

REVISED AGENDA
NOTICE OF PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, JUNE 5, 2019
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135

- I. CALL TO ORDER
- II. INVOCATION:
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. CONSENT AGENDA: (NOTE: ITEMS ON THE CONSENT AGENDA WILL BE CONSIDERED AS ONE UNLESS A SPECIFIC ITEM IS REMOVED BY A COUNCIL MEMBER FOR SEPARATE DISCUSSION.)
 - A. RATIFICATION OF UPDATED MODIFICATION #Z0505-7 TO THE SUBGRANT AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR RECEIPT OF FEMA AND STATE FUNDING FOR HURRICANE IRMA DAMAGES. (GREENSHEET NO. 19-06-152)
 - B. RATIFICATION OF THE APPROVAL OF MODIFICATION #Z0505-8 TO THE SUBGRANT AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR RECEIPT OF FEMA AND STATE FUNDING FOR HURRICANE IRMA DAMAGES (GREEN SHEET 19-06-156)
 - C. APPROVE THE TENTH AMENDMENT TO SECOND AGREEMENT TO THE INTERLOCAL AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR ENHANCED LAW ENFORCEMENT SERVICES. (GREENSHEET NO. 19-06-151)
 - D. APPROVE BUDGET RESOLUTION TO TRANSFER BUDGET BETWEEN CAPITAL PROJECT FUND ACCOUNTS. (GREENSHEET NO. 19-06-149)
 - E. APPROVE BUDGET RESOLUTION TO TRANSFER BUDGET BETWEEN CAPITAL PROJECT FUND ACCOUNTS. (GREENSHEET NO. 19-06-157)
 - F. APPROVE BUDGET RESOLUTION TO ESTABLISH BUDGETS FOR HURRICANE IRMA FUNDING (GREENSHEET NO. 19-06-159)
 - G. REVIEW OF APRIL 2019 MONTHLY FINANCIAL REPORT. (GREENSHEET NO. 19-06-153)
 - H. APPROVE TEMPORARY ROAD CLOSURES OF PORTIONS OF OLD 41 AND SPECIAL EVENT PERMIT FOR 4TH OF JULY PARTY IN THE PARK AND PARADE ON THURSDAY, JULY 4, 2019 AT RIVERSIDE PARK. (GREENSHEET NO. 19-06-154)

- I. APPROVE THE PURCHASE OF CLOSED CAPTIONING EQUIPMENT TO BRING BTV INTO ADA COMPLIANCE AND APPROVE A BUDGET TRANSFER RESOLUTION FOR THE PURCHASE OF CLOSED CAPTIONING EQUIPMENT. (GREENSHEET NO. 19-06-160)
- J. AUTHORIZE STAFF TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH LEE COUNTY TO UTILIZE CABINET/RACK SPACE AT THE EMERGENCY OPERATIONS CENTER. (GREENSHEET NO. 19-06-163)
- K. APPROVE BUDGET RESOLUTION TO TRANSFER BUDGET BETWEEN HISTORIC PRESERVATION BOARD'S ACCOUNTS IN ORDER TO FUND THE PROFESSIONAL CONCEPTS STUDY FOR A HISTORIC VILLAGE DEVELOPMENT. (GREENSHEET NO. 19-06-155)
- L. AUTHORIZE STAFF TO ENTER INTO A USE AGREEMENT WITH THE SKY FAMILY YMCA FOR NON-MEMBER UTILIZATION OF THE YMCA'S POOL FOR SUMMER 2019. (GREENSHEET NO. 19-06-162)

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

VII. PROCLAMATIONS AND PRESENTATIONS:

- A. CERTIFICATE OF APPRECIATION FOR ANIMAL HOSPITAL OF BONITA AND COMMUNITY CATS OF BONITA FOR THEIR WORK ON THE TNR PROGRAM.
- B. PRESENTATION ON EMERGENCY MANAGEMENT AND INTRODUCTION OF REPRESENTATIVES FROM PARTNER AGENCIES. (GREENSHEET NO. 19-06-161)
- C. PRESENTATION BY DPZ CODESIGN ON FORM-BASED CODE AND DOWNTOWN CITY OWNED PROPERTY. (GREENSHEET NO. 19-06-165)

VIII. MAYOR AND COUNCIL MEMBER ITEMS:

- A. REVIEW RESOLUTION OF THE SOUTHWEST FLORIDA MAYORS SUPPORTING FUNDING FOR THE RESTORATION OF THE FLORIDA EVERGLADES. (GREENSHEET NO. 19-06-164)
- B. ADOPT RESOLUTION APPROVING A BUDGET TRANSFER FROM THE CONTINGENCY ACCOUNT TO FUND A STUDY TO IDENTIFY TRAFFIC CALMING SOLUTIONS ON PENNSYLVANIA AVENUE. (GREENSHEET NO. 19-06-158)

IX. FIRST READING OF THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE REPEALING AND REPLACING BONITA SPRINGS CODE SECTIONS 4-2124 THROUGH 4-2132, TEMPORARY USES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE (GREENSHEET NO. 19-06-166)

X. PUBLIC COMMENT:

XI. CITY ATTORNEY'S ITEMS:

ADDENDUM WITH GREENSHEET NO. 19-06-167 AND DRAFT ORDINANCE: AN ORDINANCE PROVIDING AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); CREATING A NEW DIVISION OF SUPPLEMENTARY DISTRICT REGULATIONS, TO REQUIRE CERTAIN CRITERIA FOR GOLF COURSE REDEVELOPMENT PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

XII. CITY MANAGER'S ITEMS:

XIII. MAYOR AND COUNCIL MEMBER REPORTS:

XIV. APPROVAL OF MINUTES: MAY 15, 2019

XV. PUBLIC COMMENT:

XVI. ADJOURNMENT.

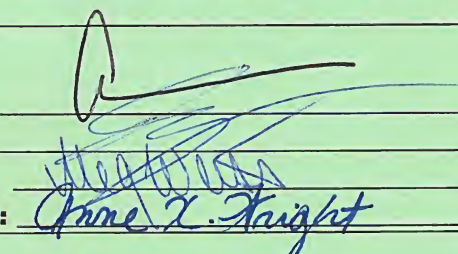
ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT MEG WEISS, DIRECTOR OF ADMINISTRATIVE SERVICES, AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING. IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS TO BE MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

NOTE: THIS MEETING IS TELEVISED ON COMCAST, CHANNEL 98. AGENDAS ARE AVAILABLE FOR VIEW, AND THE MEETING CAN BE VIEWED AT WWW.CITYOFBONITASPRINGS.ORG

NEXT MEETING: 06/17/19 (MONDAY) CITY COUNCIL ZONING MEETING – 9:00 A.M.
06/18/19 (TUESDAY) CITY COUNCIL BUDGET MEETING – 9:00 A.M.
06/19/19 (WEDNESDAY) CITY COUNCIL MEETING – 9:00 A.M.

UPCOMING BUDGET MEETINGS:

June 18 (Tues) at 9:00am City Council Budget Meeting to review the City Manager's Requested Budget
July 16 (Tues) at 9:00am Special City Council Meeting – Budget Meeting follow-up
July 17 (Wed) City Council Budget discussion at regulation City Council Meeting
Sept. 4 (Wed) at 5:05pm Tentative Budget Hearing
Sept. 19 (Thurs) at 5:05pm Final Budget Hearing

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-152
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Ratification of updated Modification #Z0505-7 to the Subgrant Agreement with the Florida Division of Emergency Management for receipt of FEMA and State funding for Hurricane Irma damages			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	STATUTE §166.241	Anne K. Wright, Finance Director
X	CONSENT	ORDINANCE CITY CHARTER SECTION 46	
	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	X OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		
BACKGROUND: <p>On May 15, 2019, City Council approved Contract Modification #Z0505-7 to the Subgrant Agreement with the Florida Division of Emergency Management for receipt of FEMA and State funding for Hurricane Irma damages. Subsequent to Council's approval, the Florida Department of Emergency Management updated that modification to include an additional project which had become obligated by FEMA. Attached is the updated Contract Modification #Z0505-7 for a project categorized as Category B – Emergency Protective Services, with eligible funding of \$22,284.84, of which \$16,713.63 is from FEMA, \$2,785.61 is from the State and \$2,785.60 is from the City as previously approved through Green Sheet 19-05-144. This Modification also includes a project categorized as Category A- Citywide Debris (12/17/17-3/31/18), with eligible funding of \$11,474.74, of which \$ 11,474.74, of which \$8,606.06 is from FEMA, \$1,434.34 is from the State and \$1,434.34 is from the City.</p> <p>Attachment A lists the funding that has been obligated as of May 20, 2019, which totals \$1,929,314.36 from FEMA and \$181,509.66 from the State.</p> <p>This modification was signed by the Mayor on May 21, 2019, as previously authorized by City Council in order to expedite the funding process.</p> <p>Attachment: Updated Modification #Z0505-7 to the Subgrant Agreement with the Florida Division of Emergency Management</p>			
Is this a Strategic Decision? YES No			
If YES, related to which Strategic Objective? #3 Strengthen City Finances			
STAFF RECOMMENDATIONS: Ratify the approval of Modification Z0505-7 (updated from what was presented with Green Sheet 19-05-144) to the Subgrant Agreement with the Florida Division of Emergency Management.			
REVIEWED BY: <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 25%;"> City Manager: City Attorney: City Clerk: Department Director: </div> <div style="width: 75%;">  </div> </div>			
COUNCIL ACTION: <div style="margin-top: 10px;"> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER </div>			

**MODIFICATION # Z0505-7 TO SUBGRANT AGREEMENT
BETWEEN THE DIVISION OF EMERGENCY
MANAGEMENT AND
Bonita Springs, City of**

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and Bonita Springs, City of ("Sub-Recipient"), to modify Contract Number Z0505, which began on 9/04/2017 ("the Agreement").

WHEREAS, the Division and the Sub-Recipient have entered into the Agreement, pursuant to which the Division has provided a Subgrant to Sub-Recipient under the public assistance program of \$2,081,284.38 in funds; and,

WHEREAS, the Division and Sub-Recipient desire to modify the Agreement by increasing the Federal funding \$25,319.69 under the Agreement.


WHEREAS, the Division and the Sub-Recipient desire to modify the Scope of Work.

WHEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby amended to increase the Federal funding by \$25,319.69 and the State share by \$4,219.95 for the maximum amount payable under the Agreement to \$2,110,824.02.
2. The Scope of Work, Attachment A to the Agreement, is hereby modified as set forth in the 7th Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
3. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last execution of this Modification by both parties.
4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

SUB-RECIPIENT: Bonita Springs, City of

By: 

Name and Title: Peter Simmons, Mayor

Date: May 21, 2019

DIVISION OF EMERGENCY MANAGEMENT

By: _____

Name and Title: **Jared Moskowitz, Director**

Date: _____

Attachment A - 7th Revision

Budget and Project List

Budget:

The Budget of this Agreement is initially determined by the amount of any Project Worksheet(s) (PW) that the Federal Emergency Management Administration (FEMA) has obligated for a Sub-Recipient at the time of execution. Subsequent PWs or revisions thereof will increase or decrease the Budget of this Agreement. The PW(s) that have been obligated are:

DR-4337		Sub-Recipient: Bonita Springs, City of									
PW #	Cat	Project Title	Federal Share	Fed %	State Share	State %	Local Share	Local %	Total Eligible Amount	POP Start Date	POP End Date
2494	C	Luke Street	\$19,241.47	75.00%	\$3,206.91	12.50%	\$3,206.91	12.50%	\$25,655.29	9/04/2017	3/10/2019
2588	C	Imperial Harbor Street Repairs	\$21,661.50	75.00%	\$3,610.25	12.50%	\$3,610.25	12.50%	\$28,882.00	9/04/2017	3/10/2019
3832	B	Citywide Cat B (10/04/17 - Forward)	\$6,406.50	75.00%	\$1,067.75	12.50%	\$1,067.75	12.50%	\$8,542.00	9/04/2017	3/10/2018
3960	A	Citywide Cat A (09/04/17-09/17-17)	\$10,978.21	75.00%	\$1,829.70	12.50%	\$1,829.70	12.50%	\$14,637.61	9/04/2017	3/10/2018
4461	A	Tree Stabilization Riverside	\$3,780.00	90.00%	\$210.00	5.00%	\$210.00	5.00%	\$4,200.00	9/04/2017	3/10/2018
4490	A	Citywide PPDR 9/18/17 - 10/17/17	\$923,099.67	90.00%	\$51,283.32	5.00%	\$51,283.31	5.00%	\$1,025,666.30	9/04/2017	3/10/2018
5344	A	Citywide Debris OPT #4 (12/17/17-03/3/18)	\$8,606.06	75.00%	\$1,434.34	12.50%	\$1,434.34	12.50%	\$11,474.74	9/04/2017	3/10/2018
5345	A	Citywide PPDR (10/18/17 - 12/16/17)	\$889,346.76	80.00%	\$111,168.35	10.00%	\$111,168.34	10.00%	\$1,111,683.45	9/04/2017	3/10/2018
5355	C	Cat C Emergency Repair to road signs	\$29,480.56	75.00%	\$4,913.43	12.50%	\$4,913.42	12.50%	\$39,307.41	9/04/2017	3/10/2019
5407	G	Soccer Complex and Community Park Parking Lot	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	9/04/2017	3/10/2019
6827	B	Emergency Protective Services 2nd Period (Oc	\$16,713.63	75.00%	\$2,785.61	12.50%	\$2,785.60	12.50%	\$22,284.84	9/04/2017	3/10/2018
Total:			\$1,929,314.36		\$181,509.66		\$181,509.62		\$2,292,333.64		

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Advanced Disposal, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Advanced Disposal

By

Signature

Name and Title

Street Address

City, State, Zip

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505-

DEM Contract Number

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Gerald's Tree & Landscaping LLC, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Gerald's Tree & Landscaping LLC

By: [Signature]

Signature

Gerald Dull owner

Name and Title

25129 Bay B. Dr 34135

Street Address

Bonita Springs FL 34025

City, State, Zip

12/14/18

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505-

DEM Contract Number

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Haskins Inc., certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Haskins Inc.

By:

Signature

Mabel Lago, Secretary

Name and Title

10956 Enterprise Avenue

Street Address

Bonita Springs, FL 34135

City, State, Zip

11/07/18

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505

DEM Contract Number

13035

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Lee County Board of County Commissioners, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Lee County Board of County Commissioners

By: 

Signature

Robert L. Price, PE Senior Engineer

Name and Title

5650 Enterprise Pkwy

Street Address

Fort Meigs, FL 33905

City, State, Zip

11/20/2018

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505-

DEM Contract Number

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Paul Shannon Bees, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTORPaul Shannon BeesBy: 

Signature

Paul Shannon Owner

Name and Title

6855 Lovelle Dr.

Street Address

Ft. Myers, FL 33905

City, State, Zip

11/20/18

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505-

DEM Contract Number

31195

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, P&T Lawn & Tractor Service, Inc, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

P&T Lawn & Tractor Service, Inc.

By: Teena Zielinski

Signature

Teena Zielinski / Pres

Name and Title

15980 Old Olga Rd

Street Address

Alva FL 33920

City, State, Zip

11/09/2018

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505-

DEM Contract Number

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Rodgers Landscape Maintenance, Inc., certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Rodgers Landscape Maintenance, Inc.

By: 

Signature

Name and Title Bonnie Rodgers ManagerStreet Address PO Box 635City, State, Zip Estero FL 33928Date 11-15-2018

City of Bonita Springs

Sub-Recipient's Name

Z0505-

DEM Contract Number

31195

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Thompson Consulting Services, LLC, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Thompson Consulting Services, LLC

By: 

Signature

Jon Hoyle, President

Name and Title

1135 Townpark Avenue, Suite 2101

Street Address

Lake Mary, FL 32746-4790

City, State, Zip

11/20/2018

Date

City of Bonita Springs



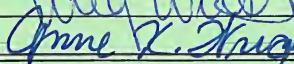
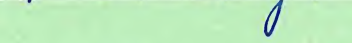
Sub-Recipient's Name

Z0505-

DEM Contract Number

31195

FEMA Project Number

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-156 ✓
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Ratification of the Approval of Modification #Z0505-8 to the Subgrant Agreement with the Florida Division of Emergency Management for receipt of FEMA and State funding for Hurricane Irma damages			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	STATUTE §166.241	Anne K. Wright, Finance Director
X	CONSENT	ORDINANCE CITY CHARTER SECTION 46	
	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	X OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		
BACKGROUND:			
<p>Attached is Contract Modification #Z0505-8 for a project categorized as Category C for road repairs to Kentucky Street and E. Terry Street, with eligible funding of \$97,436.55 of which \$73,077.41 is from FEMA, \$12,179.57 is from the State and \$12,179.57 is from the City.</p> <p>Attachment A lists the funding that has been obligated as of May 24, 2019, which totals \$2,002,391.77 from FEMA and \$193,689.23 from the State.</p> <p>This modification was signed by the Mayor on May 24, 2019, as previously authorized by City Council in order to expedite the funding process.</p>			
Attachment: Modification #Z0505-8 to the Subgrant Agreement with the Florida Division of Emergency Management			
Is this a Strategic Decision? <input checked="" type="checkbox"/> YES <input type="checkbox"/> No			
If YES, related to which Strategic Objective? #3 Strengthen City Finances			
STAFF RECOMMENDATIONS: Ratify the approval of Modification Z0505-8 to the Subgrant Agreement with the Florida Division of Emergency Management.			
REVIEWED BY:			
City Manager:			
City Attorney:			
City Clerk:			
Department Director:			
COUNCIL ACTION:			
<input type="checkbox"/> APPROVED			
<input type="checkbox"/> DENIED			
<input type="checkbox"/> DEFERRED			
<input type="checkbox"/> OTHER			

**MODIFICATION # Z0505-8 TO SUBGRANT AGREEMENT
BETWEEN THE DIVISION OF EMERGENCY
MANAGEMENT AND
Bonita Springs, City of**

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and Bonita Springs, City of ("Sub-Recipient"), to modify Contract Number Z0505, which began on 9/04/2017 ("the Agreement").

WHEREAS, the Division and the Sub-Recipient have entered into the Agreement, pursuant to which the Division has provided a Subgrant to Sub-Recipient under the public assistance program of \$2,110,824.02 in funds; and,

WHEREAS, the Division and Sub-Recipient desire to modify the Agreement by increasing the Federal funding \$73,077.41 under the Agreement.

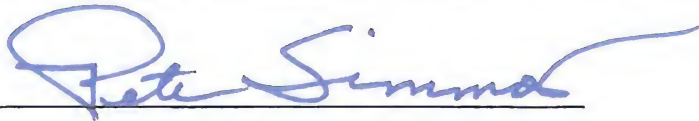
WHEREAS, the Division and the Sub-Recipient desire to modify the Scope of Work.

WHEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby amended to increase the Federal funding by \$73,077.41 and the State share by \$12,179.57 for the maximum amount payable under the Agreement to \$2,196,081.00.
2. The Scope of Work, Attachment A to the Agreement, is hereby modified as set forth in the 8th Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
3. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last execution of this Modification by both parties.
4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

SUB-RECIPIENT: _____ Bonita Springs, City of _____

By:  _____

Name and Title: Peter Simmons, Mayor

Date: May 24, 2019

DIVISION OF EMERGENCY MANAGEMENT

By: _____

Name and Title: **Jared Moskowitz, Director**

Date: _____

Attachment A - 8th Revision

Budget and Project List

Budget:

The Budget of this Agreement is initially determined by the amount of any Project Worksheet(s) (PW) that the Federal Emergency Management Administration (FEMA) has obligated for a Sub-Recipient at the time of execution. Subsequent PWs or revisions thereof will increase or decrease the Budget of this Agreement. The PW(s) that have been obligated are:

DR-4337		Sub-Recipient: Bonita Springs, City of									
PW #	Cat	Project Title	Federal Share	Fed %	State Share	State %	Local Share	Local %	Total Eligible Amount	POP Start Date	POP End Date
2494	C	Luke Street	\$19,241.47	75.00%	\$3,206.91	12.50%	\$3,206.91	12.50%	\$25,655.29	9/04/2017	3/10/2019
2588	C	Imperial Harbor Street Repairs	\$21,661.50	75.00%	\$3,610.25	12.50%	\$3,610.25	12.50%	\$28,882.00	9/04/2017	3/10/2019
3832	B	Citywide Cat B (10/04/17 - Forward)	\$6,406.50	75.00%	\$1,067.75	12.50%	\$1,067.75	12.50%	\$8,542.00	9/04/2017	3/10/2018
3960	A	Citywide Cat A (09/04/17-09/17-17)	\$10,978.21	75.00%	\$1,829.70	12.50%	\$1,829.70	12.50%	\$14,637.61	9/04/2017	3/10/2018
4209	C	Kentucky, E Terry, Morton	\$73,077.41	75.00%	\$12,179.57	12.50%	\$12,179.57	12.50%	\$97,436.55	9/04/2017	3/10/2019
4461	A	Tree Stabilization Riverside	\$3,780.00	90.00%	\$210.00	5.00%	\$210.00	5.00%	\$4,200.00	9/04/2017	3/10/2018
4490	A	Citywide PPD 9/18/17 - 10/17/17	\$923,099.67	90.00%	\$51,283.32	5.00%	\$51,283.32	5.00%	\$1,025,666.30	9/04/2017	3/10/2018
5344	A	Citywide Debris OPT #4 (12/17/17-03/3/18)	\$8,606.06	75.00%	\$1,434.34	12.50%	\$1,434.34	12.50%	\$11,474.74	9/04/2017	3/10/2018
5345	A	Citywide PPD (10/18/17 - 12/16/17)	\$889,346.76	80.00%	\$111,168.35	10.00%	\$111,168.35	10.00%	\$1,111,683.45	9/04/2017	3/10/2018
5355	C	Cat C Emergency Repair to road signs	\$29,480.56	75.00%	\$4,913.43	12.50%	\$4,913.43	12.50%	\$39,307.41	9/04/2017	3/10/2019
5407	G	Soccer Complex and Community Park Parking Lot	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	9/04/2017	3/10/2019
6827	B	Emergency Protective Services 2nd Period (Oc	\$16,713.63	75.00%	\$2,785.61	12.50%	\$2,785.61	12.50%	\$22,284.84	9/04/2017	3/10/2018
Total:			\$2,002,391.77		\$193,689.23		\$193,689.19		\$2,389,770.19		

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

- (1) The prospective subcontractor of the Sub-recipient, Haskins Inc., certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Haskins Inc.

By: Mabel Lago

Signature

Mabel Lago, Secretary

Name and Title

10956 Enterprise Avenue

Street Address

Bonita Springs, FL 34135

City, State, Zip

11/07/18

Date

City of Bonita Springs

Sub-Recipient's Name

Z0505

DEM Contract Number

13035

FEMA Project Number

Attachment C

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
and VOLUNTARY EXCLUSION**

Contractor Covered Transactions

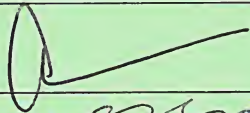
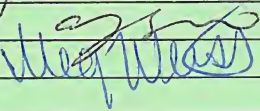
Thompkins

- (1) The prospective subcontractor of the Sub-recipient, Contracting Inc., certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Sub-recipient's subcontractor is unable to certify to the above statement, the prospective contract shall attach an explanation to this form.

CONTRACTOR

Thompkins Contracting Inc.
 By: [Signature]
 Signature
Mark Thompson PRES
 Name and Title
3507 LOC Blvd STE 212
 Street Address
Lehigh Acres, FL 33571
 City, State, Zip
5/24/19
 Date

City of Bonita SpringsSub-Recipient's NameZ0505-DEM Contract NumberFEMA Project Number

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-151 ✓
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Approve the Tenth Addendum to Second Agreement to the Interlocal Agreement with Lee County Sheriff's Office for Enhanced Law Enforcement Services.			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
<input type="checkbox"/>	PRESENTATIONS	<input type="checkbox"/>	Derek Rooney City Attorney
<input checked="" type="checkbox"/>	CONSENT	<input type="checkbox"/>	
<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>	
<input type="checkbox"/>	APPEALS	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER'S REPORTS	<input type="checkbox"/>	
<input type="checkbox"/>	CITY ATTORNEY	<input type="checkbox"/>	
<input type="checkbox"/>	CITY MANAGER	<input type="checkbox"/>	
BACKGROUND:			
City Charter Section 75, Contractual Services and facilities, states: Contractual services for fire, police, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, and solid waste collection may be supplied by a contract between the City and Lee County, special districts, municipalities, or private enterprise until such time as the City Council establishes such independent services. Facilities for housing the newly formed municipal operations may be rented or leased until the City is in the position to obtain its own facilities. The City Council and the Lee County Sheriff's Office have approved the Agreement with the Lee County Sheriff's Office for Enhanced Law Enforcement Services, which each year changes by addendum as to the cost for providing community policing. The 2019-20 cost to the City is \$1,761,954.00. The funding is to pay for Vehicles, rental vehicles and all equipment is included into the cost for deputies and sergeants.			
Attachments: Tenth Addendum to the Second Agreement for Enhanced Law Enforcement Services Second Agreement to the Interlocal Agreement (2010)			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
IF YES, WHICH STRATEGIC OBJECTIVE?			
STAFF RECOMMENDATIONS:			
Approve the Tenth Addendum to the 2 nd Agreement for Enhanced Law Enforcement Services.			
REVIEWED BY:			
City Manager:			
City Attorney:			
City Clerk:			
Department Director:			
COUNCIL ACTION:			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER			

TENTH ADDENDUM TO SECOND AGREEMENT

**BY AND BETWEEN CARMINE MARCENO, LCSO OF LEE COUNTY, FLORIDA
AND THE CITY OF BONITA SPRINGS FOR
ENHANCED LAW ENFORCEMENT SERVICES**

COMES NOW the parties hereto and enter into this Tenth Addendum to the Second Agreement, (the Agreement), by and between Carmine Marceno, Sheriff, Lee County, Florida and the City of Bonita Springs, Florida for enhanced law enforcement services dated October 1, 2010, and agree as follows:

WHEREAS, the Parties hereto may amend this Agreement pursuant to Article XXI (20.1), of The Agreement;

WHEREAS, the Parties hereto desire to amend the Agreement in the following manner;

NOW THEREFORE, in consideration of the mutual promises and conditions set forth herein, which the Parties hereto deem and acknowledge sufficient consideration, **the Parties agree as follows:**

1. The Recitals above are adopted and incorporated herein as if fully restated.
2. Exhibit "A", of the Agreement is deleted in its entirety and replaced with the following:

FISCAL YEAR 19/20

- a. Funding for Community Policing is established at an amount not to exceed \$1,761,954.00. The funding is to pay for 2 Sergeants and 14 Deputies.
 - b. Amount is effective October 1, 2019 through September 30, 2020.
 - c. Vehicles, rental vehicles and all equipment are included into the cost for Deputies and Sergeants.
3. All other terms and conditions of the Agreement, as modified, not inconsistent with this addendum, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused their respective agents to execute this instrument on their behalf, on the dates set forth below.

TENTH ADDENDUM TO SECOND AGREEMENT

SHERIFF OF LEE COUNTY

CARMINE MARCENO, SHERIFF

Date

JOHN HOLLOWAY, CHIEF OF OPERATIONS
Approved as to form.

Date

CITY OF BONITA SPRINGS

Attest:

PETER SIMMONS, MAYOR

DEBBIE FILIPEK, CITY CLERK

APPROVED AS TO LEGAL FORM:

DEREK P. ROONEY, CITY ATTORNEY

SECOND
AGREEMENT

BY AND BETWEEN
MIKE SCOTT, LCSO OF LEE COUNTY, FLORIDA AND
THE CITY OF BONITA SPRINGS FOR
ENHANCED LAW ENFORCEMENT SERVICES

THIS AGREEMENT, by and between the CITY OF BONITA SPRINGS, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as "CITY," and Mike Scott, Sheriff of Lee County, Florida, hereinafter referred to collectively as "LCSO."

WITNESSETH:

WHEREAS, the CITY is desirous of maintaining a high level of competent professional police service in conjunction and harmony with its fiscal policies of sound, economical management; and

WHEREAS, LCSO and CITY previously agreed on a basic services agreement with a continuing high level of professional police service, and the CITY is desirous of enhancing such services upon the terms and conditions hereinafter set forth; and

WHEREAS, CITY is desirous of enhancing daily police services above and beyond basic services already rendered through contractual relationship with LCSO.

NOW THEREFORE, in consideration of the sums hereinafter set forth and for other good and valuable considerations, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

ARTICLE I

DEFINITIONS

For the purposes of this Agreement, the following terms shall have the respective meanings hereinafter set forth:

1.1 **Agreement** shall mean this Agreement for Law Enforcement Services between the CITY and LCSO. This Agreement does not replace or supplant the basic services provided by the Sheriff but is to provide enhanced services above and beyond the basic services provided through general ad valorem revenues and other regular funding. However, nothing contained within this definition should prohibit Community Outreach Program (COPS) funding if available.

1.2 LCSO shall mean the duly elected and qualified Sheriff of Lee County, Florida.

1.3 LCSO'S Address shall mean Lee County Sheriff's Office, 14750 Six Mile Cypress Parkway, Ft. Myers FL 33912, (239) 477-1200.

1.4 CITY shall mean the City of Bonita Springs, Florida, a municipal corporation organized and existing under the laws of the State of Florida and located within the boundaries of Lee County, Florida.

1.5 CITY'S Address shall mean 9101 Bonita Beach Road, Bonita Springs FL 34135, (239) 949-6262.

1.6 CITY Boundaries shall mean the area within the municipal boundaries of the CITY.

1.7 City Manager shall mean the duly appointed and validly existing City Manager of the CITY. In the absence of the City Manager, the person acting in the capacity of City Manager shall have the same authority as that of the City Manager.

1.8 Deputy Sheriff shall mean an employee who is appointed by the Sheriff in accordance with Fla. Stat. 30.07 and who has executed any necessary oath which is required by law. This position consists of shift related duties which includes: arrest and citation of violators, crime prevention, traffic control, courtroom testimony, community policing, high visibility patrol, and others as determined by LCSO.

1.9 District Commander shall mean the individual appointed under Article XVI who is responsible for all employees and activities of the Bonita Springs Patrol Zone. The district commander shall hold the rank of Deputy Sheriff Captain. The duties of the district commander include compliance with provisions of this contract for law enforcement service, serve as liaison between the CITY and LCSO, and insure the maintenance of effective morale, discipline, and law enforcement service.

1.10 Patrol Unit shall mean one (1) marked car which shall be manned by one (1) Uniformed Officer and containing all standard support equipment and who is assigned to a Patrol within the City of Bonita Springs. Any patrol unit purchased by the CITY shall prominently display the City of Bonita Springs official seal and on the vehicle's exterior the legend "paid for by the City of Bonita Springs" in letters at least two (2) inches in height, to be paid for by the CITY.

1.11 Patrol Zone is the incorporated boundaries of the CITY that is part of the South District.

1.12 Salaries shall include wages, employer expenses (FICA), and employee benefits including, but not limited to, retirement benefits, health insurance benefits, workers compensation, vacation, compensatory time, and sick leave benefits.

1.13 Sworn Personnel shall mean any appointed deputy of the Sheriff, irrespective of the rank (i.e. Deputy Sheriff Sergeant, Deputy Sheriff Lieutenant, Deputy Sheriff Captain).

1.14 Uniformed Deputy means a Deputy Sheriff employed by LCSO who wears a LCSO uniform.

ARTICLE II

TERM

2.1 This Service Agreement shall remain in full force and effect commencing October 1, 2010 through September 30, 2011, the present term for Sheriff Mike Scott, all dates inclusive, conditioned upon the party's agreement as to the consideration to be paid by the City in each applicable fiscal year.

2.2 The CITY shall have the option to extend the Term for four (4) additional one (1) year terms, upon the same terms and conditions contained herein, except that the Consideration payable hereunder shall be subject to mutual agreement.

2.3 Either party may terminate this Service Agreement for any reason by giving no less than ninety (90) days prior written notice to the other party.

2.4 In the event of termination, both parties shall render such aid, coordination, and cooperation that might be required for an expeditious and efficient termination of service.

ARTICLE III

MANNER OF PERFORMANCE OF SERVICES

3.1 It is the intent of LCSO to provide to the CITY it's current, enhancing existing competent professional police protection within and throughout the corporate limits of the CITY as set forth in Exhibit A to this Agreement.

3.2 In recognition of the CITY's need to be informed of LCSO'S activities, LCSO'S District Commander and the City Manager will develop a mutually agreed upon reporting format(s) and reporting period(s), whereby LCSO will report its activities to the

City Manager. At any time during the term of this Agreement, the City Manager shall have the right to make reasonable modifications to the reporting format(s) and reporting period(s).

3.3 LCSO will ensure the courtesy and professional demeanor of the assigned Deputies through internal policies and staff inspections, in-service training, and diversity training.

ARTICLE IV

STAFFING STRUCTURE

4.1 Commencing October 1, 2010, the enhanced staffing structure of deputies of the Bonita Springs Patrol Zone in the South District shall be as set forth in Exhibit A attached hereto.

4.2 It is the responsibility of the District Commander or designee, in consultation with the City Manager, to properly assign personnel to adequately provide enhanced law enforcement services in the Bonita Springs Patrol Zone, pursuant to this Agreement.

ARTICLE V

PATROL UNITS

5.1 Each Uniformed Deputy Sheriff patrolling the Patrol Zone shall be assigned by the District Commander and work scheduled time, not to exceed forty-two hours per week, excepting holidays, overtime, off-duty detail, vacation leave, required training, court appearances, authorized sick leave, and such other absences as may be authorized by the SHERIFF or his designee.

5.2 The parties recognize that a law enforcement agency requires flexibility in order to meet society's challenge to combat crime and other social conditions. Therefore, the District Commander or his designee shall have the discretion to determine patrol staffing levels to provide adequate police services to the CITY subject to the requirements of paragraph 5.1. The LCSO recognizes that the Agreement is for enhanced services and nothing in this paragraph shall be construed as to replace community policing activities unless the circumstances warrant the modification because of lack of regular and basic patrol staffing levels in Bonita Springs and the immediate adjacent areas. Use of this discretion should be the exception and not the rule.

5.3 A professional level of service shall be provided by the patrol services contemplated by this Agreement. This professional level of service shall be in accordance with applicable laws and accepted police practices, including LCSO policies and procedures.

5.4 These patrol services shall be supervised within the discretion of the on-duty uniform patrol supervisor, with the understanding that the patrol services are enhanced services to provide community policing.

5.5 LCSO, through its Deputy Sheriffs assigned to the City of Bonita Springs, at the request of the City Manager, will provide additional enhanced services as agreed upon with the District Commander.

ARTICLE VI

CITY COUNCIL MEETINGS

6.1 At the request of the City Manager and in conformity with paragraph 5.1, one (1) Deputy Sheriff shall be present for the purpose of maintaining order at each regular or special City Council meeting during the regular shift of attending deputy.

ARTICLE VII

EMPLOYMENT RESPONSIBILITY

7.1 Any employees utilized by LCSO to fulfill the terms and conditions of this Agreement shall be deemed as employees of LCSO, not of the CITY.

7.2 Accordingly, the CITY shall not be responsible for or assume any liability for any employee's salaries, wages, or other compensation, contributions to pension funds, insurance premiums, workers compensation funds (Chapter 441, Florida Statutes 2002), vacation, compensatory time, sick leave benefits or any other amenities of employment to any LCSO Personnel performing services, duties and responsibilities hereunder for the benefit of said CITY and the residents thereof or any other liabilities whatsoever.

7.3 Further, unless otherwise specifically provided to the contrary herein, the CITY shall not be liable for compensation, contribution, indemnity to LCSO or the employees thereof for any injury or illness, of any kind whatsoever, arising out of such employment and the performance of the service, duties, and responsibilities contemplated herein.

ARTICLE VIII

EMPLOYMENT: RIGHT OF CONTROL

8.1 LCSO shall have and maintain sole responsibility and control over the rendition of services, training, standards of performance, discipline of personnel, and other matters incident to the performance of its services, duties, and responsibilities

described and contemplated herein, provided said control does not result in a permanent reduction in the staffing levels as provided in Article IV.

8.2 The parties acknowledge that it is important for the CITY to have LCSO personnel who are acquainted with the general make-up of the CITY including its geography; its industrial, business, and residential composition; and its law enforcement issues.

ARTICLE IX

EMPLOYMENT: AUTHORITY TO ACT

9.1 The CITY recognizes that LCSO shall be required to appoint employees as deputy sheriffs to act within the City for the purpose of enforcing this Agreement. The LCSO will endeavor to maintain units as described in Exhibit A attached hereto in the Bonita Springs Patrol Zone.

9.2 The CITY does hereby vest in any LCSO employee, who is appointed by the Sheriff as a deputy sheriff and certified as a law enforcement officer within Chapter 943, Florida Statutes 2002, the police powers which are necessary to implement and carry forth the services, duties, and responsibilities imposed upon LCSO by this Agreement, for the sole and limited purpose of giving official and lawful status and validity to the performance thereof by such sworn officers. Every sworn officer of LCSO so empowered hereby and engaged in the performance of the services, duties, and responsibilities described and contemplated herein shall be deemed to be a sworn officer of the CITY while performing such services, duties, and responsibilities which constitute municipal functions and are within the scope of this Service Agreement.

9.3 Accordingly, such sworn officers of LCSO are hereby vested with the power to enforce the ordinances of the CITY, to make arrests incident to the enforcement thereof, and to do such other things and perform such other acts as are necessary with respect thereto.

ARTICLE X

CONSIDERATION

10.1 The CITY agrees to pay LCSO, in consideration for the services described herein, for the fiscal year 2010/2011, the sum set forth in Exhibit "A" attached hereto. Exhibit "A" shall be amended from year to year as made necessary by the increased costs and expenses of staffing and maintaining a Deputy Sheriff.

10.2 The consideration payable by the CITY for fiscal year 2010/2011 shall be subject to an annual percentage adjustment, not to exceed a ten percent (10%) increase of the contractual consideration for the preceding year. Such increases shall

only be approved after LCSO has provided detailed financial back-up justifying the increase to the CITY.

10.3 LCSO shall have the right to temporarily fill any vacancy within the Bonita Springs District, provided the vacant position is filled by a LCSO employee that possesses skills, training and experience at least equivalent to the absent Bonita Springs Patrol Zone Deputy.

10.4 The consideration recited herein constitutes the entire consideration to be paid hereunder and upon the payment thereof, in the manner and at the times described herein, the CITY shall have no further monetary obligations to LCSO or any third party providing services described in this Service Agreement.

10.5 In the event that the CITY desires to add additional deputies, this agreement shall be provided for in writing, signed by both parties and added hereto as an addendum.

10.6 Capital equipment associated with the patrol units and the Bonita substation will be replaced on an as needed basis based on the maintenance costs and factors as deemed necessary by LCSO.

ARTICLE XI

ADDITIONAL SERVICES

11.1 The City Manager may request additional law enforcement services (i.e. K-9, motorcycles, foot patrol, special details) necessary to the CITY during the tenure of this Agreement.

11.2 LCSO agrees to make every reasonable effort to provide these services to the CITY.

ARTICLE XII

AUDIT OF RECORDS

12.1 LCSO shall maintain an accurate record of all LCSO personnel employed in the Bonita Springs Patrol Zone, and their hours of actual employment. Upon request of the City Manager, LCSO agrees to provide the CITY with payroll records concerning hours of actual employment for LCSO'S Bonita Springs District personnel.

12.2 LCSO agrees to provide for inspection and audit any other financial records relating to this Agreement, subject to public records exemptions.

ARTICLE XIII

FINES, FORFEITURES; PAYMENT

13.1 All law enforcement education funds levied and collected by the Clerk of the Court pursuant to Section 943.25, Florida Statutes, may be used by the LCSO for the law enforcement education purposes authorized in said Statutes. Apart from such funds, LCSO shall have no claim or right to any other monies or things of value which the CITY receives or may hereinafter receive by way of entitlement programs, grants or otherwise in connection with law enforcement activities.

13.2 It is hereby acknowledged between the CITY and LCSO that on occasion LCSO may receive equipment from the CITY pursuant to a grant or some other funding device which may be utilized at the sole discretion of the CITY. Prior to the purchase of any such equipment, the City Manager and District Commander shall mutually agree, in writing, to the specifications, maintenance responsibilities, and disposition procedures related to such equipment. In all cases, LCSO shall be responsible for any and all repairs or replacements necessitated by LCSO's abuse or neglect of the equipment.

ARTICLE XIV

DISTRICT COMMANDER

14.1 The District Commander shall, among other specified duties, act as liaison between the CITY and LCSO.

14.2 The parties hereby acknowledge and agree that LCSO retains the right to discipline and remove from office the District Commander or any Deputy Sheriff.

ARTICLE XV

INSURANCE

15.1 LCSO shall be self insured or maintain insurance coverage for the liabilities assumed by LCSO under this Agreement. The insurance coverage shall be in the amounts hereinafter described:

General Liability	\$100,000/200,000.00
Automobile Liability	\$100,000/200,000.00

15.2 LCSO shall maintain the respective coverage throughout the term of this Service Agreement, as the same may be extended in accordance with the provisions hereof.

15.3 LCSO shall provide CITY with adequate documentation concerning the coverage required hereunder, in order that the CITY, through the office of the City Clerk, may keep such documentation on file for the benefit of the public and inspection of the citizenry of CITY.

ARTICLE XVI

HOLD HARMLESS

16.1 Each party (indemnitor) hereby shall to the extent permitted by law indemnify from any liability and hold harmless the other party (indemnitee), its employees, agents, or servants against liability arising from any actions, causes of action, suits, trespasses, damages, judgments, executions, claims and demands of any kind whatsoever, in law or in equity, brought against the indemnitee its employees, agents, and servants as a result of the indemnitor, its employees, agents, or servants negligent acts or negligent omissions, or willful misconduct in the performance of its obligations under this Agreement.

16.2 If the indemnitee defends any actions, causes of action, suits, trespasses, damages, judgments, executions, claims and demands of any kind whatsoever, in law or in equity, directly or approximately caused by the negligent acts or negligent omissions or willful misconduct of indemnitor, its agents, servants, or employees, indemnitor agrees to reimburse the indemnitee for all expenses, attorneys' fees, and court costs incurred in defending such actions, causes of action, suits, trespasses, damages, judgments, executions, claims and demands.

16.3 Notwithstanding anything to the contrary contained herein, LCSO and the CITY shall, at all times, be entitled to the benefits of sovereign immunity as provided in Section 768.28, Florida Statutes, and common law. Nothing contained in this Agreement to the contrary shall be construed as a waiver of sovereign immunity.

ARTICLE XVII

INDEPENDENT CONTRACTOR

17.1 LCSO, for the purposes of this Service Agreement, is and shall remain an independent contractor; provided, however, such independent contractor status shall not diminish the power and authority vested in LCSO and its sworn officers pursuant to Article XI.

ARTICLE XVIII

AUTHORITY TO EXECUTE; NO CONFLICT CREATED

18.1 The Sheriff, pursuant to the powers under Article VIII of the Constitution of the State of Florida and the Statutes of the State of Florida, hereby represents that full power and authority exists to execute this Service Agreement. This includes the following:

- (a) His making and execution hereof shall create a legal obligation on the part of the Sheriff's Office of Lee County, Florida.
- (b) The same shall be enforceable by the CITY according and to the extent of the provisions hereof.

Nothing herein contained or no obligation on the part of LCSO to be performed hereunder shall in anyway be contrary to or in contravention of any policy of insurance or surety bond required of LCSO pursuant to the Laws of the State of Florida.

18.2 The Mayor and City Clerk, by their respective executions hereof, do each represent the following to LCSO:

- (a) They collectively have full power and authority to make and execute this Service Agreement on behalf of the City of Bonita Springs, pursuant to the Resolution of the City Council of CITY.
- (b) Nothing herein contained is in any way contrary to or in contravention of the Charter of the City of Bonita Springs or the Laws of the State of Florida.

ARTICLE XIX

NOTICE

19.1 All notices required hereunder shall be by regular U.S. Mail and or facsimile, and any notice required hereunder shall be addressed to the party intended to receive same at the following addresses:

CITY: City Manager
City Hall
City of Bonita Springs

9101 Bonita Beach Road
Bonita Springs, Florida 34135

c/o City Attorney
City Hall
City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, Florida 34135

LCSO: Sheriff of Lee County
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Legal Director
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912

ARTICLE XX

NON-ASSIGNABILITY

LCSO shall not assign any of the obligations or benefits imposed hereby or contained herein, unless upon the written consent of the City Council of the CITY, which consent must be evidenced by a duly passed Resolution.

ARTICLE XXI

ENTIRE AGREEMENT; AMENDMENT

20.1 The parties acknowledge, one to another, that the terms hereof constitute the entire understanding and agreement of the parties with respect hereof. No modification hereof shall be effective unless in writing, executed with the same formalities as this Agreement is executed.

ARTICLE XXII

BINDING EFFECT

21.1 This Agreement shall inure to the benefit of and be binding upon the respective parties' successors.


IN WITNESS WHEREOF, the parties hereto have caused their respective agents to execute this instrument on their behalf, at the times set forth below:

SHERIFF OF LEE COUNTY




MIKE SCOTT

9/20/10
Date

BY: 

BARRY R. HILLMYER
Legal Advisor, LCSO



CITY OF BONITA SPRINGS
BEN L. NELSON, JR., MAYOR

9-16-10
Date

ATTEST:


DIANNE LYNN, CITY CLERK

Approved as to form and legal sufficiency

BY: 

AUDREY E. VANCE, CITY ATTORNEY

Approved as to form and legal
sufficiency subject to execution
By the parties:

BONITA CONTRACT

EXHIBIT "A" FISCAL YEAR 10/11

Full Year Funding		unit	LS
Deputies	14	\$ 80,639.00	\$ 1,128,946.00
Sergeants	2	\$ 107,108.00	\$ 214,216.00
Deputy/SRO	0	\$ -	\$ -
Bonita Sub Station	1	\$ 264,673.00	\$ 264,673.00
Rental Vehicles	2	\$ 7,100.00	\$ 14,200.00
TOTAL FY 2010/2011			\$ 1,622,035.00

BONITA CONTRACT

EXHIBIT "A" **FISCAL YEAR 11/12**

Description	Unit	Cost per Unit	Extended Cost
Deputies	14	\$80,639.00	\$1,128,946.00
Sergeants	2	\$107,108.00	\$214,216.00
Deputy/SRO	0	-	-
Bonita Sub Station	1	\$264,673.00	\$264,673.00
Rental Vehicles	2	\$7,100.00	\$14,200.00
New Vehicles	3 or 4	Cost TBD	NTE \$80,000.00
Grand Total			\$1,702,035.00

AGENDA ITEM SUMMARY

REQUESTED MOTION: Approve Budget Resolution to transfer budget between Capital Project Fund accounts**MEETING DATE:** June 5, 2019

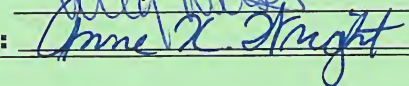
AGENDA:		REQUIREMENT/PURPOSE: (Specify)		REQUESTOR OF INFORMATION:
	PRESENTATIONS	X	STATUTE §166.241	Anne K. Wright, CPA, CGFO Finance Director
X	CONSENT	X	ORDINANCE CITY CHARTER SECTION 46	
	PUBLIC HEARING		ADMIN. CODE	
	APPEALS		OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS			
	CITY ATTORNEY			
	CITY MANAGER			

BACKGROUND:

Section 46(d), allows the transfer of all or part of any unrestricted appropriations from one department to another.

Attached is a Budget Transfer Resolution to transfer budget from the W. Terry Street Pathway project to the Cochran St/Pauling Lane Multi-use Pathway project and the Bonita Drive Pathway (from Old 41 to Streetsboro Lane) for design costs. This budget amount for these projects is funded with Community Development Block Grant funds.

Attachment: Budget Transfer Resolution

Is this a Strategic Decision? ☒ YES ☐ No**If YES, related to which Strategic Objective?** #7 Government Transparency**STAFF RECOMMENDATIONS:** Approve Budget Resolution**REVIEWED BY:**City Manager: City Attorney: City Clerk: Department Director: **COUNCIL ACTION:**

☐ APPROVED
☐ DENIED
☐ DEFERRED
☐ OTHER

**CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 19 – ____**

**A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;
APPROVING A BUDGET TRANSFER TO TRANSFER BUDGET BETWEEN
CAPITAL PROJECT FUND ACCOUNTS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on September 18, 2018, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2019; and

WHEREAS, the FY 2019 Adopted Budget includes funding from a Community Development Block Grant; and

WHEREAS, some of this funding is now recommended to be used to fund contracts for the the design of the Cochran St/Pauling Lane Multi-Use Pathway project and the Bonita Drive Pathway project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida, that:

- 1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.
- 2.The Bonita Springs' City Council authorizes the following budget transfers relating to the Capital Projects Fund:

	Budget Increase (Decrease)
Cochran St/ Pauling Lane Multi-use Pathway project	\$ 44,580
Bonita Drive pathway (from Old 41 to Streetsboro Lane)	146,400
W.Terry Street Pathway project	(190,980)

- 3.This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of June, 2019.

AUTHENTICATION:


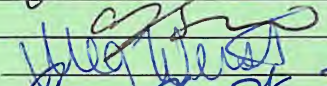
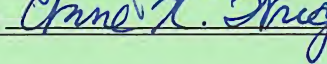
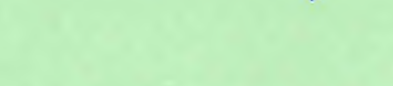
Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	O'Flinn
DeWitt	Quaremba
Forbes	Simmons
Gibson	

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-157✓
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Approve Budget Resolution to transfer budget between Capital Project Fund Accounts			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	X STATUTE §166.241	Anne K. Wright, CPA, CGFO <i>Finance Director</i>
X	CONSENT	X ORDINANCE CITY CHARTER SECTION 46	
	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		
BACKGROUND: <p>Section 46(d), allows the transfer of all or part of any unrestricted appropriations from one department to another.</p> <p>Attached is a Budget Transfer Resolution to transfer the current budget balance from the City Hall Maintenance Update/Repairs project (\$401,171) to a new project, titled City Facilities Major Repairs project. This new project was presented in the information provided to City Council at the April 29, 2019 budget meeting. This Resolution consolidates the capital improvements/major repairs funding for all City facilities.</p>			
Attachment: Budget Transfer Resolution			
Is this a Strategic Decision? <input checked="" type="checkbox"/> YES <input type="checkbox"/> No If YES, related to which Strategic Objective? #7 Government Transparency			
STAFF RECOMMENDATIONS: Approve Budget Resolution			
REVIEWED BY: <div style="display: flex; justify-content: space-between;"> <div> City Manager: _____ City Attorney: _____ City Clerk: _____ Department Director: _____ </div> <div style="text-align: right;">     </div> </div>			
COUNCIL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER			

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 19 – ____

**A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA;
APPROVING A BUDGET TRANSFER TO TRANSFER BUDGET BETWEEN
CAPITAL PROJECT FUND ACCOUNTS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on September 18, 2018, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2019; and

WHEREAS, Section 46(d) of the City Charter allows the transfer for all or part of any unrestricted appropriation from one department to another; and

WHEREAS, there is currently available budget in a capital project fund account for City Hall Maintenance Update/Repairs; and

WHEREAS, there is a need to utilize this funding source for other City owned facilities, in addition to City Hall, through a City Facilities Major Repairs project account.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida, that:

- 1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.
- 2.The Bonita Springs' City Council authorizes the following budget transfer relating to the Capital Projects Fund:

	Budget
	Increase (Decrease)
City Facilities Major Repairs project	\$ 401,171
City Hall Maintenance Update/Repairs	(401,171)

- 3.This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of June, 2019.

AUTHENTICATION:

_____ Mayor	_____ City Clerk
----------------	---------------------

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	O'Flinn
DeWitt	Quaremba
Forbes	Simmons
Gibson	

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:		19-06-159																																																													
AGENDA ITEM SUMMARY																																																																	
REQUESTED MOTION: Approve Budget Resolution to establish budgets for Hurricane Irma funding																																																																	
MEETING DATE: June 5, 2019																																																																	
AGENDA:		REQUIREMENT/PURPOSE: (Specify)		REQUESTOR OF INFORMATION:																																																													
	PRESENTATIONS	X	STATUTE §166.241	Anne K. Wright, CPA, CGFO <i>Finance Director</i>																																																													
X	CONSENT	X	ORDINANCE CITY CHARTER SECTION 46																																																														
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	MAYOR AND COUNCIL MEMBER'S REPORTS																																																																
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	CITY MANAGER																																																																
<p>BACKGROUND: Attached is a Budget Resolution to establish a budget for revenue received to fund Hurricane Irma expenditures through Contract Modification Z0505-5. On May 30, 2019, the City received funding for Hurricane Irma damages to reimburse for Emergency Repairs to Road Signs, categorized as a Category C – Road project. The amounts received were \$29,480.56 from FEMA funds and \$4,913.43 from State funds, for a total of \$34,393.99. The total cost incurred by the City for this project was \$39,307.41, with the City funding \$4,913.42 of the costs.</p> <p>The total funding approved by FEMA is summarized as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>CRC Gross Cost</td> <td style="text-align: right;">\$ 39,307.41</td> </tr> <tr> <td>Total Insurance Reductions</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>CRC Net Cost</td> <td style="text-align: right;">\$ 39,307.41</td> </tr> <tr> <td>Federal Share (75.00%)</td> <td style="text-align: right;">\$ 29,480.56</td> </tr> <tr> <td>Non-Federal Share (12.5%)</td> <td style="text-align: right;">\$ 4,913.43</td> </tr> </table> <p>This is the sixth project receiving grant funding through the Public Assistance program for the City's Hurricane Irma damages. Future budget amendments will be presented for Council approval as the FEMA and State grant funding is deposited in to the City's bank account. Total funding received as of May 30, 2019 is summarized below.</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th><u>FEMA Project Name</u></th> <th><u>FEMA Project #</u></th> <th><u>State Project #</u></th> <th><u>FEMA Portion</u></th> <th><u>State Portion</u></th> <th><u>Total Revenue Received</u></th> </tr> </thead> <tbody> <tr> <td>Imperial Harbor Street Repairs-Cat. C</td> <td>13035</td> <td>2588</td> <td style="text-align: right;">\$ 21,661.50</td> <td style="text-align: right;">\$ 3,610.25</td> <td style="text-align: right;">\$ 25,271.75</td> </tr> <tr> <td>Luke Street-Cat. C</td> <td>13711</td> <td>2494</td> <td style="text-align: right;">19,241.47</td> <td style="text-align: right;">3,206.91</td> <td style="text-align: right;">22,448.38</td> </tr> <tr> <td>Emergency Protective Measures-Cat. B</td> <td>47286</td> <td>3832</td> <td style="text-align: right;">6,406.50</td> <td style="text-align: right;">1,067.75</td> <td style="text-align: right;">7,474.25</td> </tr> <tr> <td>Tree Stabilization Riverside-Cat. A</td> <td>25905</td> <td>4461</td> <td style="text-align: right;">3,780.00</td> <td style="text-align: right;">210.00</td> <td style="text-align: right;">3,990.00</td> </tr> <tr> <td>Debris Removal - Cat. A (9/04/17-09/17/17)</td> <td>47287</td> <td>3960</td> <td style="text-align: right;">10,978.21</td> <td style="text-align: right;">1,829.70</td> <td style="text-align: right;">12,807.91</td> </tr> <tr> <td>Emergency Repair Road Signs-Cat. C</td> <td>30031</td> <td>5955</td> <td style="text-align: right;">29,480.56</td> <td style="text-align: right;">4,913.43</td> <td style="text-align: right;">34,393.99</td> </tr> <tr> <td colspan="3" style="text-align: right;">Total received as of 5/30/2019</td> <td style="text-align: right;">\$ 91,548.24</td> <td style="text-align: right;">\$ 14,838.04</td> <td style="text-align: right;">\$ 106,386.28</td> </tr> </tbody> </table> <p>Attachment: Budget Amendment Resolution</p> <p>Is this a Strategic Decision? YES No</p> <p>If YES, related to which Strategic Objective? #7 Government Transparency</p> <p>STAFF RECOMMENDATIONS: Approve Budget Resolution</p> <p>REVIEWED BY:</p> <p> City Manager: _____ City Attorney: _____ City Clerk: <i>Michelle Kynd</i> Department Director: <i>Anne K. Wright</i> </p> <p>COUNCIL ACTION:</p> <p> _____ APPROVED _____ DENIED _____ DEFERRED _____ OTHER </p>						CRC Gross Cost	\$ 39,307.41	Total Insurance Reductions	\$ 0.00	<hr/>		CRC Net Cost	\$ 39,307.41	Federal Share (75.00%)	\$ 29,480.56	Non-Federal Share (12.5%)	\$ 4,913.43	<u>FEMA Project Name</u>	<u>FEMA Project #</u>	<u>State Project #</u>	<u>FEMA Portion</u>	<u>State Portion</u>	<u>Total Revenue Received</u>	Imperial Harbor Street Repairs-Cat. C	13035	2588	\$ 21,661.50	\$ 3,610.25	\$ 25,271.75	Luke Street-Cat. C	13711	2494	19,241.47	3,206.91	22,448.38	Emergency Protective Measures-Cat. B	47286	3832	6,406.50	1,067.75	7,474.25	Tree Stabilization Riverside-Cat. A	25905	4461	3,780.00	210.00	3,990.00	Debris Removal - Cat. A (9/04/17-09/17/17)	47287	3960	10,978.21	1,829.70	12,807.91	Emergency Repair Road Signs-Cat. C	30031	5955	29,480.56	4,913.43	34,393.99	Total received as of 5/30/2019			\$ 91,548.24	\$ 14,838.04	\$ 106,386.28
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CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 19 – ____

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING FISCAL YEAR 2019 BUDGET AMENDMENT TO INCREASE THE BUDGET FOR HURRICANE IRMA FUNDING RECEIVED FROM FEMA AND THE STATE OF FLORIDA UNDER CONTRACT MODIFICATION Z0505-5; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2018, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2019; and

WHEREAS, Section 46(a) of the City Charter provides that revenues in excess of those budgeted are available for appropriation and City Council may make supplemental appropriations for the year in an amount not to exceed such excess revenues or carry over excess revenues into the next fiscal year; and

WHEREAS, the City has received cash receipts deposited in the City's bank account on May 30, 2019 from FEMA and the State of Florida to assist with funding of emergency repair to road signs, which was completed due to damage caused by Hurricane Irma.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida, that:

1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.

2.The Bonita Springs' City Council authorizes the following budget amendment to increase budgeted amounts for the indicated accounts:

	Budget Increase
GRANTS FUND:	
FEMA Grant Revenue	\$ 29,480
State Grant Revenue	4,913
Transfer out to General Fund	34,393
GENERAL FUND:	
Transfer in from Grants Fund	34,393

3.This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of June, 2019.

AUTHENTICATION:

_____	_____
Mayor	City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr _____	O'Flinn _____
DeWitt _____	Quaremba _____
Forbes _____	Simmons _____
Gibson _____	

Date filed with City Clerk: _____

AGENDA ITEM SUMMARY Review of April 2019 Monthly Financial Reports

REQUESTED MOTION:

MEETING DATE: June 5, 2019

AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
<input type="checkbox"/> PRESENTATIONS	<input type="checkbox"/> STATUTE	Anne Wright, CPA, CGFO Finance Director
<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ORDINANCE	
<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> ADMIN. CODE	
<input type="checkbox"/> MAYOR AND COUNCIL MEMBER ITEMS	<input checked="" type="checkbox"/> OTHER	
<input type="checkbox"/> MAYOR AND COUNCIL MEMBER'S REPORTS		
<input type="checkbox"/> CITY ATTORNEY		
<input type="checkbox"/> CITY MANAGER		

Financial Highlights of the General Fund for the Seven Months ended April 30, 2019

- Total FY 2019 Revenues as of April 30, 2019 **are greater than** the FY 2018 Revenues as of April 30, 2018 by \$404,698, representing a 3.21% increase over FY 2018. This favorable variance is primarily from increases over the prior year in Ad Valorem Taxes of \$368,737.
- Total FY 2019 Revenues collected for the seven months ended April 30, 2019 are 72.28% of the total Revenues budgeted for FY 2019. The majority of the property tax revenue is collected during the month of December, at which time the collected revenues percentage are historically about 45% of the budgeted amount.
- Total FY 2019 Expenditures as of April 30, 2019 are **less than** FY 2018 Expenditures as of April 30, 2018 by (\$6,578,954) due to the Hurricane Irma Expenditures in FY 2018. **Excluding the hurricane expenditures of \$262,778 as of April 2019 and \$6,520,592 as of April 2018**, FY 2019 year to date expenditures are **\$321,140 less than** the prior year. This is due to a slight timing difference on when the quarterly law enforcement payment was processed. During FY 2018, the third quarter payment was processed on April 18, 2018, but in FY 2019, the third quarter payment was processed on May 1, 2019.
- Total FY 2019 Expenditures for the seven months ended April 30, 2019 are 46.66% of the Total Expenditures budgeted for FY 2019.
- FY 2019 Transfers Out to Other Funds as of April 30, 2019 are \$68,649 **more than** the FY 2018 Transfers Out for the seven months ended April 30, 2018.
- FY 2019 Revenues and Transfers In **are greater than** FY 2019 Expenditures and Transfers Out for the seven months ended April 2019 by \$4,854,015. **Excluding the FY 2019 hurricane expenditures of \$262,778**, the FY 2019 Revenues **are greater than** Expenditures and Transfers Out by \$5,116,793. FY 2018 Revenues were \$2,116,182 **less than** Expenditures and Transfers Out for the seven months ended April 30, 2018. **Excluding the FY 2018 hurricane expenditures of \$6,520,592**, the FY 2018 Revenues **are greater than** Expenditures and Transfers Out for the seven months ended April 2018 by \$4,404,410.

A General Fund Summary showing a comparison to the prior year is attached. Also attached is a Summary of Cash Balances as of April 30, 2019, and a Fund Balance Summary as of September 30, 2018.

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES NO

IF YES, WHICH STRATEGIC OBJECTIVE? #7 Government Transparency

STAFF RECOMMENDATIONS: Review the Financial Reports

REVIEWED BY:

City Manager: 

City Attorney: 

City Clerk: 

Department Director: 

COUNCIL ACTION:

- ☐ **APPROVED**
- ☐ **DENIED**
- ☐ **DEFERRED**
- ☐ **OTHER**

General Fund	FY 2019				FY 2018	
	Amended Budget	YTD Actual April 30, 2019	Variance - Over (Under) Budget	Actual as a % of Budget	YTD Actual April 30, 2018	FY 2019 Actual Over (Under) FY 2018 Actual
Revenues:						
Taxes	\$ 8,801,473	\$ 8,208,798	\$ (592,675)	93.27%	\$ 7,842,264	\$ 366,534
Franchise Fees	2,443,816	1,124,049	(1,319,767)	46.00%	1,103,028	21,021
State Shared Revenue	5,174,260	2,746,023	(2,428,237)	53.07%	2,670,472	75,551
Other Revenues	1,563,168	918,352	(644,816)	58.75%	976,760	(58,408)
Total Revenues	\$ 17,982,717	\$ 12,997,222	\$ (4,985,495)	72.28%	\$ 12,592,524	\$ 404,698
Expenditures:						
General Government	\$ 6,580,121	\$ 2,916,146	\$ (3,663,975)	44.32%	\$ 3,003,268	\$ (87,122)
Public Safety	2,362,856	1,184,124	(1,178,732)	50.11%	1,594,121	(409,997)
Physical Environment	198,706	89,102	(109,604)	44.84%	142,214	(53,112)
Transportation	2,294,190	1,289,893	(1,004,297)	56.22%	1,127,777	162,116
Economic Environment	110,550	27,500	(83,050)	24.88%	32,757	(5,257)
Human Services	158,491	73,480	(85,011)	46.36%	29,554	43,926
Culture & Recreation	2,324,776	1,170,131	(1,154,645)	50.33%	1,141,825	28,306
Hurricane Irma	1,000,000	262,778	(737,222)	26.28%	6,520,592	(6,257,814)
Total Expenditures	\$ 15,029,690	\$ 7,013,154	\$ (8,016,536)	46.66%	\$ 13,592,108	\$ (6,578,954)
Other Financing Sources (Uses)						
Transfers In	\$ 75,196	\$ 55,194	\$ (20,002)	73.40%	\$ -	\$ 55,194
Transfers Out	(7,164,042)	(1,185,247)	(5,978,795)	16.54%	(1,116,598)	68,649
Total Other Financing Sources (Uses) - net	\$ (7,088,846)	\$ (1,130,053)			\$ (1,116,598)	\$ 13,456
Total Surplus (Deficit)		\$ 4,854,016			\$ (2,116,182)	\$ 6,970,198

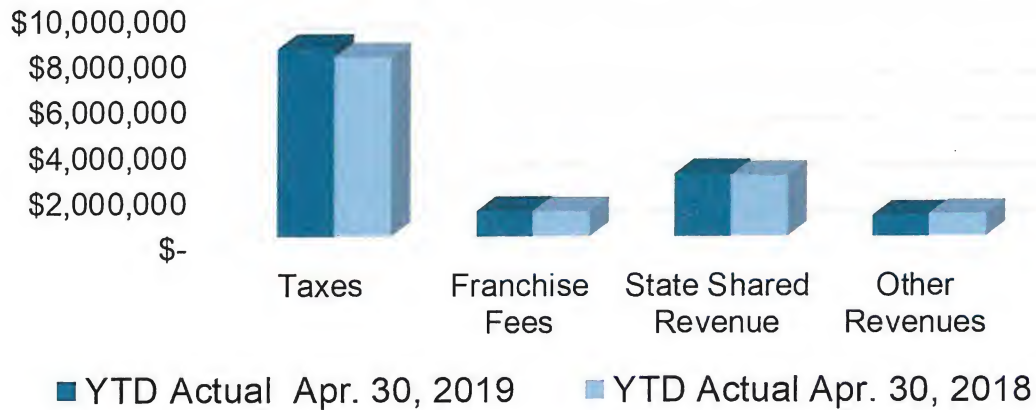
Below is the City's Cash Position as of April 30, 2019, 2018 and 2017.

Fund:	4/30/2019	4/30/2018	4/30/2017
General Fund	\$15,795,284	\$13,006,273	\$21,711,956
Gas Tax	4,125,451	4,059,954	3,824,481
Road Impact Fee	18,825,569	11,181,230	5,859,774
Reg Park Impact Fee	-	757,940	604,079
Comm Park Impact Fee	3,464,031	1,801,117	1,532,603
Building Fees Fund	8,292,661	6,713,708	5,635,789
2011 Debt Fund	2,295,950	1,331,299	322,286
2014 Debt Fund	208,305	217,459	211,456
Total Cash by Fund	\$ 53,007,251	\$ 39,068,980	\$ 39,702,424

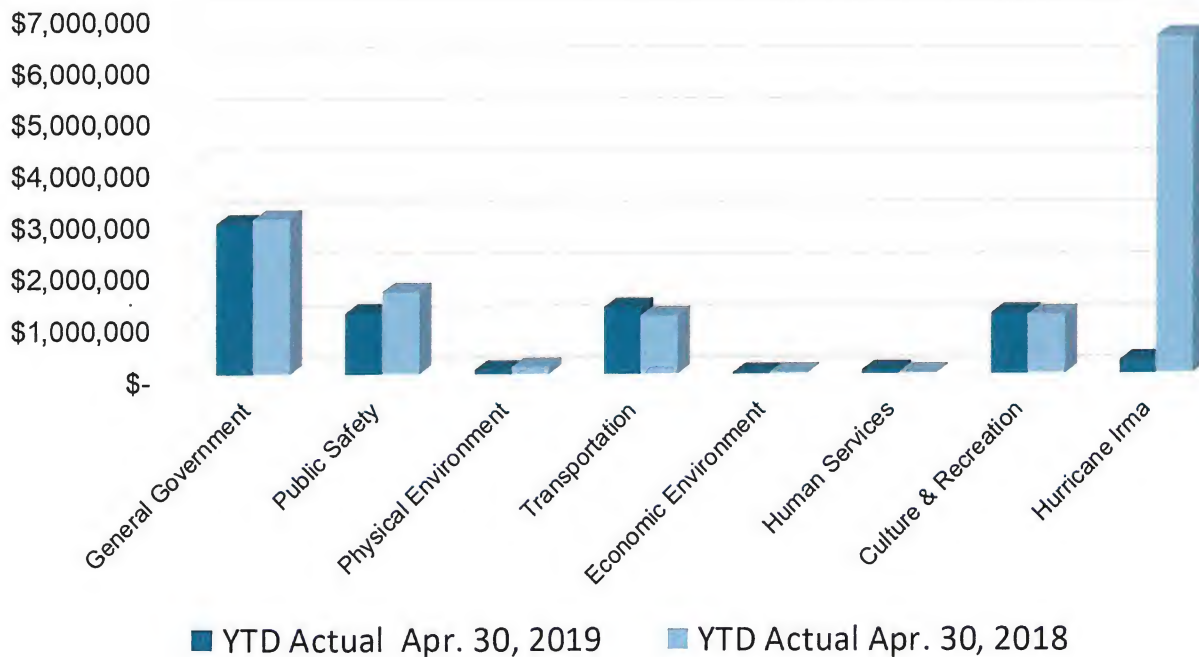
OBSERVATION:

A cash flow concern could arise if the Local Mitigation Strategy (LMS) grants for the projects in our CIP are not reimbursed on a timely basis. A reimbursement basis requires the City to make the payments for the costs upfront, as is the case with the FEMA Public Assistance Grant for funding the debris removal. We understand that with the LMS grants, we can submit invoices as they are paid and the reimbursements will be processed.

General Fund Revenues as of April 30, 2019 and April 30, 2018



General Fund Expenditures as of April 30, 2019 and April 30, 2018



Fund Balance - September 30, 2018

General Fund	Special Revenue Funds					Debt Service Funds		Total Governmental Funds
	Gas Tax Fund	Road Impact Fee Fund	Park Impact Fee Fund	Building Fee Fund		2011 Debt Service	2014 Debt Service	
Fund balance as of Sept 30, 2017	\$ 14,431,838	\$ 4,045,571	\$ 10,154,012	\$ 2,327,996	\$ 5,870,193	\$ 1,049,430	\$ 50,812	\$ 37,929,852
Expected FY 2018 Activity								
Revenues and Transfers In								
Expenditures	18,169,106	1,991,735	8,279,360	795,377	4,013,007	3,515,021	1,092,335	37,855,941
Transfers out to:	(19,665,715)	(998,524)	(385)	(149)	(2,201,463)	(2,558,851)	(1,074,943)	(26,500,030)
General Fund	-	-	-	-	(16,031)	-	-	(16,031)
Debt Service	(122,459)	(92,381)	(2,175,024)	-	-	-	-	(2,389,864)
Grants	(26,440)	-	-	-	-	-	-	(26,440)
Capital Projects	(1,712,805)	(590,535)	(137,579)	(182,765)	-	-	-	(2,623,684)
Total Fund Balance as of Sept 30, 2018	\$ 11,073,525	\$ 4,355,866	\$ 16,120,384	\$ 2,940,459	\$ 7,665,706	\$ 2,005,600	\$ 68,204	\$ 44,229,744

Allocation of Fund Balance by Category:

Nonspendable	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400,000
Restricted	-	2,751,040	12,033,273	1,281,661	6,957,469	-	-	23,023,443
Committed to:								
Capital projects carry-over	4,805,299	1,604,826	4,087,111	1,658,798	57,700	-	-	12,213,734
Capital outlay carry-over	92,185	-	-	-	650,537	-	-	742,722
Assigned:								
Disaster & Operating Reserves	5,100,000	-	-	-	-	-	-	5,100,000
Debt Service	-	-	-	-	-	2,005,600	68,204	2,073,804
Other purposes	104,470	-	-	-	-	-	-	104,470
Unassigned	571,571	-	-	-	-	-	-	571,571
Total Fund Balance as of Sept 30, 2018	\$ 11,073,525	\$ 4,355,866	\$ 16,120,384	\$ 2,940,459	\$ 7,665,706	\$ 2,005,600	\$ 68,204	\$ 44,229,744

Nonspendable fund balance - amounts that are not in a spendable form (i.e.: inventories) or are long-term receivables legally or contractually required to be maintained intact.

Restricted fund balance - amounts that can be spent only for the specific purposes stipulated by external resource providers (ie: grants), constitutionally, or through enabling legislation (i.e.: impact fees, building fees). These restrictions may be changed or lifted only with the consent of resource providers.

Committed fund balance- amounts that can be used only for the specific purpose determined by a formal action of City Council. Such commitments may be changed or lifted only by the City Council taking the same formal action that imposed the constraint originally (ie: carry-forward of unspent capital outlay budgets). Amounts classified as "committed" will be so designated by Council Resolution or Ordinance, and can only be changed by the same action that initially authorized them, unless that authorizing document states otherwise (ie: City Charter, Section 47 states "An appropriation for a capital expenditure shall continue in force until expended, revised, or repealed; the purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.)

Assigned fund balance - amounts intended to be used by the City for specific purposes. City Council delegates the authority to classify fund balance as "assigned" to the City Manager. In governmental funds other than the General Fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.

Unassigned fund balance - amounts of General Fund fund balance not contained in the other classifications. Unassigned amounts are available for any purpose. If a governmental fund, other than the General Fund, has a fund balance deficit, it will be reported as a negative amount in the unassigned classification as these funds can never have a positive amount classified as unassigned.

City of Bonita Springs, Florida

Balance Sheet

as of April 30, 2019

General Fund	Special Revenue Funds								Total Governmental Funds
	Impact Fee Funds				Debt Service Fund				
	Road	Park	Gas Tax	Grants	Building Fees	Downtown Redevelopment	2011 Debt		
\$ 15,795,284	\$ 18,825,569	\$ 3,464,031	\$ 4,125,451	\$ -	\$ 8,292,661	\$ 208,305	\$ 2,295,950	\$ 53,007,251	
-	-	-	-	-	-	-	-	-	
416,103	-	-	-	-	-	-	-	416,103	
170,362	-	-	-	-	-	-	-	170,362	
-	-	-	-	38,491	-	-	-	38,491	
-	-	-	-	-	-	-	-	-	
\$ 16,381,749	\$ 18,825,569	\$ 3,464,031	\$ 4,125,451	\$ 38,491	\$ 8,292,661	\$ 208,305	\$ 2,295,950	\$ 53,632,207	
\$ 32,378	\$ -	\$ -	\$ -	\$ 544	\$ -	\$ -	\$ -	32,922	
379,736	-	-	-	-	-	-	-	379,736	
-	-	-	-	170,362	-	-	-	170,362	
42,096	90,206	-	-	-	-	-	-	132,302	
-	-	-	-	-	-	-	-	-	
454,210	90,206	-	-	170,906	-	-	-	715,322	
11,073,525	16,120,385	2,940,459	4,355,866	-	7,665,707	68,204	2,005,599	44,229,743	
4,854,014	2,614,978	523,572	(230,415)	(132,415)	626,954	140,101	290,351	8,687,142	
15,927,539	18,735,363	3,464,031	4,125,451	(132,415)	8,292,661	208,305	2,295,950	52,916,885	
\$ 16,381,749	\$ 18,825,569	\$ 3,464,031	\$ 4,125,451	\$ 38,491	\$ 8,292,661	\$ 208,305	\$ 2,295,950	\$ 53,632,207	

ASSETS

Cash and cash equivalents
 Restricted Cash
 Receivables (net)
 Due from other funds
 Due from other governments
 Advances to other funds

Total assets

LIABILITIES AND FUND BALANCES

Liabilities:

Accounts and contracts payable
 Accrued liabilities
 Due to other funds
 Due to other governments
 Unearned revenue
 Total liabilities

Total fund balances, beginning of the year
 Revenues and Other Financing Sources over
 (under)Expenditures and Other Financing Uses for the
 period ended April 30, 2019

Fund balances as of April 30, 2019

Total liabilities and fund balances



City of Bonita Springs, FL

General Fund Budget Report

Group Summary

For Fiscal: 2018-2019 Period Ending: 04/30/2019

ExpFinStmntLineItem;RevAccountType	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 00 - General Fund					
Revenue					
311 - Ad Valorem Taxes	8,076,900.00	8,076,900.00	236,194.33	7,858,195.96	218,704.04
315 - Communications Services Taxes	680,000.00	680,000.00	56,740.11	335,850.20	344,149.80
316 - Local Business Taxes	35,373.00	35,373.00	586.69	9,901.66	25,471.34
319 - Other General Taxes	9,200.00	9,200.00	2,950.00	4,850.00	4,350.00
323 - Franchise Fees	2,443,816.00	2,443,816.00	179,266.85	1,124,049.25	1,319,766.75
329 - Other Permits, Fees & Special Assessment	84,850.00	84,850.00	3,520.00	41,675.00	43,175.00
335 - State Shared Revenue	5,174,260.00	5,174,260.00	483,955.69	2,746,023.48	2,428,236.52
341 - General Government	725,130.00	725,130.00	42,484.97	449,059.07	276,070.93
343 - Physical Environment	70,000.00	70,000.00	13,100.00	78,000.00	-8,000.00
347 - Culture/Recreation	150,949.00	150,949.00	10,070.18	85,607.38	65,341.62
349 - Other Charges for Services	46,000.00	46,000.00	5,129.64	39,625.27	6,374.73
351 - Judgements, Fines-Traffic	20,000.00	20,000.00	3,918.41	17,048.37	2,951.63
354 - Fines Local Ordinance	90,000.00	90,000.00	8,075.00	16,670.05	73,329.95
361 - Interest & Other Earnings	150,000.00	150,000.00	24,997.82	136,396.95	13,603.05
362 - Rents & Royalties	23,000.00	23,000.00	2,862.64	19,725.48	3,274.52
366 - Contributions	0.00	0.00	0.00	4,520.00	-4,520.00
369 - Other Misc Revenues	203,239.00	203,239.00	1,680.19	30,024.19	173,214.81
381 - Transfers In	20,000.00	75,196.00	0.00	55,194.38	20,001.62
Revenue Total:	18,002,717.00	18,057,913.00	1,075,532.52	13,052,416.69	5,005,496.31
Expense					
51 - General Government	7,628,095.00	7,580,121.00	633,485.41	3,178,923.67	4,401,197.33
52 - Public Safety	2,337,156.00	2,362,856.00	44,233.33	1,184,124.17	1,178,731.83
53 - Physical Environment	198,706.00	198,706.00	8,893.65	89,101.85	109,604.15
54 - Transportation	2,189,643.00	2,294,190.00	143,053.05	1,289,893.44	1,004,296.56
55 - Economic Environment	153,050.00	110,550.00	0.00	27,500.00	83,050.00
56 - Human Services	158,491.00	158,491.00	33,012.75	73,480.50	85,010.50
57 - Culture & Recreation	2,324,776.00	2,324,776.00	182,329.76	1,170,130.64	1,154,645.36
58 - Other Uses/Transfers Out	2,306,331.00	7,164,042.00	105,072.74	1,185,247.50	5,978,794.50
Expense Total:	17,296,248.00	22,193,732.00	1,150,080.69	8,198,401.77	13,995,330.23
Fund: 00 - General Fund Surplus (Deficit):	706,469.00	-4,135,819.00	-74,548.17	4,854,014.92	-8,989,833.92



General Fund Department Expenditures Excluding Transfers

City of Bonita Springs, FL

Group Summary

For Fiscal: 2018-2019 Period Ending: 04/30/2019

Department	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 00 - General Fund					
101 - City Council	535,940.00	493,440.00	30,720.28	250,678.21	242,761.79
102 - Boards & Committees	149,000.00	154,182.00	6,392.41	11,096.60	143,085.40
201 - City Manager	508,448.00	508,448.00	38,211.24	211,944.26	296,503.74
211 - Planning & Zoning	1,934,442.00	1,928,442.00	142,564.46	1,025,380.96	903,061.04
220 - Law Enforcement/Security	1,713,728.00	1,713,728.00	2,785.16	858,433.08	855,294.92
230 - Neighborhood Services	598,898.00	624,598.00	41,374.44	315,738.71	308,859.29
240 - Information Technologies	212,797.00	212,797.00	8,948.08	51,259.71	161,537.29
250 - Public Works	2,372,859.00	2,472,224.00	151,676.32	1,375,037.32	1,097,186.68
260 - Emergency Preparedness	24,530.00	24,530.00	73.73	9,952.38	14,577.62
270 - Non-Departmental Expenditures	2,352,374.00	2,174,514.00	142,415.29	403,773.17	1,770,740.83
301 - City Attorney	710,336.00	741,631.00	160,110.25	432,646.43	308,984.57
401 - Administrative Services	383,497.00	383,497.00	33,563.79	214,678.87	168,818.13
402 - City Hall	169,396.00	186,984.00	31,533.76	114,443.51	72,540.49
410 - Human Resources	84,601.00	84,601.00	3,990.55	44,392.92	40,208.08
430 - Communications	689,592.00	700,142.00	46,523.57	340,821.55	359,320.45
501 - Finance	542,092.00	618,545.00	36,940.73	302,506.08	316,038.92
601 - Parks & Recreation Administration	630,810.00	629,596.00	43,687.39	315,327.10	314,268.90
602 - Recreation Center	400,762.00	401,376.00	28,590.58	218,906.08	182,469.92
603 - Community Park & Ball Fields	135,090.00	150,565.00	26,943.12	109,995.40	40,569.60
604 - Community Pool	342,566.00	342,566.00	24,156.84	176,795.50	165,770.50
605 - Riverside Park	177,166.00	177,166.00	13,992.56	72,308.32	104,857.68
609 - Formerly Community Hall/Sherriff Substation	8,416.00	8,416.00	258.03	2,991.64	5,424.36
610 - Dog Park	50,755.00	50,755.00	1,890.41	19,355.74	31,399.26
611 - Beach Parks	5,810.00	6,410.00	2,139.10	5,332.38	1,077.62
613 - BS Soccer Complex	82,553.00	82,553.00	11,013.31	58,790.57	23,762.43
614 - Kentucky Street Park	2,000.00	2,000.00	0.00	0.00	2,000.00
615 - Liles Hotel	47,534.00	47,534.00	2,235.64	18,720.31	28,813.69
617 - Bonita Nature Place	23,270.00	23,270.00	2,536.29	10,902.09	12,367.91
618 - Windsor Road Preserve	3,792.00	892.00	0.00	746.04	145.96
620 - Marni Fields	69,856.00	58,881.00	5,877.12	21,190.33	37,690.67
621 - BS River Park	12,475.00	12,475.00	588.50	7,562.66	4,912.34
622 - Cullum's Bonita Trail	6,800.00	5,200.00	2,850.00	4,354.00	846.00
623 - Carpenter Lane Canoe & Kayak	605.00	605.00	0.00	38.21	566.79
624 - Leitner Creek Neighborhood Park	3,627.00	3,627.00	0.00	1,011.23	2,615.77
626 - Oak Creek Preserve	3,500.00	3,500.00	425.00	925.00	2,575.00
883 - Veterans	0.00	0.00	0.00	619.47	-619.47
890 - Film Festival	0.00	0.00	0.00	4,498.44	-4,498.44
Fund: 00 - General Fund Total:	14,989,917.00	15,029,690.00	1,045,007.95	7,013,154.27	8,016,535.73



City of Bonita Springs, FL

Special Revenue Funds Budget Report

Group Summary

For Fiscal: 2018-2019 Period Ending: 04/30/2019

ExpFinStmntLineItem;RevAccountType	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 10 - Gas Tax Fund					
Revenue					
312 - Local Option Taxes	1,633,787.00	1,633,787.00	142,199.79	810,249.53	823,537.47
335 - State Shared Revenue	282,653.00	282,653.00	23,249.60	139,497.60	143,155.40
361 - Interest & Other Earnings	40,000.00	40,000.00	5,810.00	40,588.00	-588.00
Revenue Total:	1,956,440.00	1,956,440.00	171,259.39	990,335.13	966,104.87
Expense					
54 - Transportation	1,059,614.00	1,057,562.00	77,481.20	494,460.94	563,101.06
58 - Other Uses/Transfers Out	1,715,643.00	3,322,521.00	38,701.60	726,289.02	2,596,231.98
Expense Total:	2,775,257.00	4,380,083.00	116,182.80	1,220,749.96	3,159,333.04
Fund: 10 - Gas Tax Fund Surplus (Deficit):	-818,817.00	-2,423,643.00	55,076.59	-230,414.83	-2,193,228.17
Fund: 13 - Grant Fund					
Revenue					
331 - Federal Grants	2,813,994.00	2,986,305.00	11,982.22	197,897.01	2,788,407.99
334 - State Grants	0.00	775,123.00	0.00	7,884.91	767,238.09
337 - Local Gvmt Grants	40,000.00	248,038.00	5,536.00	6,204.75	241,833.25
381 - Transfers In	40,000.00	40,000.00	0.00	1,680.00	38,320.00
Revenue Total:	2,893,994.00	4,049,466.00	17,518.22	213,666.67	3,835,799.33
Expense					
52 - Public Safety	80,000.00	80,000.00	1,632.00	12,704.00	67,296.00
57 - Culture & Recreation	0.00	125,000.00	0.00	112,500.00	12,500.00
58 - Other Uses/Transfers Out	2,813,994.00	3,844,466.00	110,941.48	220,877.46	3,623,588.54
Expense Total:	2,893,994.00	4,049,466.00	112,573.48	346,081.46	3,703,384.54
Fund: 13 - Grant Fund Surplus (Deficit):	0.00	0.00	-95,055.26	-132,414.79	132,414.79
Fund: 14 - Road Impact Fee Fund					
Revenue					
324 - Impact Fees	3,622,363.00	3,622,363.00	333,025.31	4,648,829.24	-1,026,466.24
361 - Interest & Other Earnings	120,000.00	120,000.00	26,868.27	186,341.23	-66,341.23
Revenue Total:	3,742,363.00	3,742,363.00	359,893.58	4,835,170.47	-1,092,807.47
Expense					
58 - Other Uses/Transfers Out	5,742,849.00	9,829,960.00	72,204.77	2,220,191.97	7,609,768.03
Expense Total:	5,742,849.00	9,829,960.00	72,204.77	2,220,191.97	7,609,768.03
Fund: 14 - Road Impact Fee Fund Surplus (Deficit):	-2,000,486.00	-6,087,597.00	287,688.81	2,614,978.50	-8,702,575.50
Fund: 15 - Reg Park Impact Fee Fund					
Expense					
58 - Other Uses/Transfers Out	400,000.00	0.00	0.00	0.00	0.00
Expense Total:	400,000.00	0.00	0.00	0.00	0.00
Fund: 15 - Reg Park Impact Fee Fund Total:	400,000.00	0.00	0.00	0.00	0.00
Fund: 16 - Com Park Impact Fee Fund					
Revenue					
324 - Impact Fees	375,292.00	375,292.00	31,968.00	556,866.00	-181,574.00
361 - Interest & Other Earnings	28,000.00	28,000.00	3,864.00	26,995.00	1,005.00
Revenue Total:	403,292.00	403,292.00	35,832.00	583,861.00	-180,569.00
Expense					
58 - Other Uses/Transfers Out	800,000.00	2,858,798.00	39,779.54	60,288.20	2,798,509.80
Expense Total:	800,000.00	2,858,798.00	39,779.54	60,288.20	2,798,509.80
Fund: 16 - Com Park Impact Fee Fund Surplus (Deficit):	-396,708.00	-2,455,506.00	-3,947.54	523,572.80	-2,979,078.80

Special Revenue Funds Budget Report

For Fiscal: 2018-2019 Period Ending: 04/30/2019

ExpFinStmntLineItem;RevAccountType	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 19 - Building Fees Fund					
Revenue					
322 - Building Permits	2,400,000.00	2,400,000.00	283,046.36	2,079,138.58	320,861.42
361 - Interest & Other Earnings	25,000.00	25,000.00	12,026.00	84,012.00	-59,012.00
Revenue Total:	2,425,000.00	2,425,000.00	295,072.36	2,163,150.58	261,849.42
Expense					
52 - Public Safety	2,730,029.00	3,371,183.00	219,832.29	1,536,196.95	1,834,986.05
54 - Transportation	0.00	9,383.00	0.00	0.00	9,383.00
58 - Other Uses/Transfers Out	20,000.00	77,700.00	0.00	0.00	77,700.00
Expense Total:	2,750,029.00	3,458,266.00	219,832.29	1,536,196.95	1,922,069.05
Fund: 19 - Building Fees Fund Surplus (Deficit):	-325,029.00	-1,033,266.00	75,240.07	626,953.63	-1,660,219.63



City of Bonita Springs, FL

Debt Service Funds Budget Report

Group Summary

For Fiscal: 2018-2019 Period Ending: 04/30/2019

ExpFinStmntLineItem;RevAccountType	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 20 - 2011 Debt Fund					
Revenue					
315 - Communications Services Taxes	669,500.00	669,500.00	55,804.83	330,313.42	339,186.58
323 - Franchise Fees	701,950.00	701,950.00	57,786.04	338,691.32	363,258.68
361 - Interest & Other Earnings	5,000.00	5,000.00	828.00	4,910.00	90.00
381 - Transfers In	2,173,530.00	2,173,530.00	69,673.57	2,173,529.37	0.63
385 - Proceeds from Refunding Debt	0.00	0.00	0.00	0.00	0.00
Revenue Total:	3,549,980.00	3,549,980.00	184,092.44	2,847,444.11	702,535.89
Expense					
51 - General Government	2,557,095.00	2,557,095.00	81,968.90	2,557,093.15	1.85
Expense Total:	2,557,095.00	2,557,095.00	81,968.90	2,557,093.15	1.85
Fund: 20 - 2011 Debt Fund Surplus (Deficit):	992,885.00	992,885.00	102,123.54	290,350.96	702,534.04
Fund: 21 - 2014 Debt Fund					
Revenue					
311 - Ad Valorem Taxes	190,000.00	190,000.00	0.00	190,408.00	-408.00
337 - Local Gvmt Grants	800,000.00	800,000.00	0.00	802,127.00	-2,127.00
361 - Interest & Other Earnings	0.00	0.00	0.00	0.00	0.00
381 - Transfers In	86,824.00	86,824.00	0.00	86,824.00	0.00
384 - Debt Proceeds	0.00	0.00	0.00	0.00	0.00
Revenue Total:	1,076,824.00	1,076,824.00	0.00	1,079,359.00	-2,535.00
Expense					
51 - General Government	1,076,824.00	1,076,824.00	0.00	939,258.00	137,566.00
55 - Economic Environment	0.00	0.00	0.00	0.00	0.00
58 - Other Uses/Transfers Out	0.00	0.00	0.00	0.00	0.00
Expense Total:	1,076,824.00	1,076,824.00	0.00	939,258.00	137,566.00
Fund: 21 - 2014 Debt Fund Surplus (Deficit):	0.00	0.00	0.00	140,101.00	-140,101.00




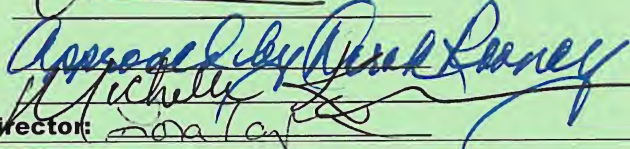

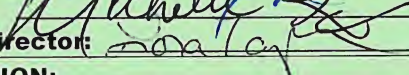
City of Bonita Springs, FL

Capital Project Funds Budget Report

Group Summary

For Fiscal: 2018-2019 Period Ending: 04/30/2019

ExpFinStmntLineItem;RevAccountType	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 30 - Cap Projects Fund					
Revenue					
366 - Contributions	0.00	0.00	0.00	0.00	0.00
369 - Other Misc Revenues	0.00	0.00	0.00	0.00	0.00
381 - Transfers In	11,378,463.00	23,649,811.00	296,500.31	1,860,072.66	21,789,738.34
Revenue Total:	11,378,463.00	23,649,811.00	296,500.31	1,860,072.66	21,789,738.34
Expense					
51 - General Government	395,000.00	1,292,928.00	50,000.00	92,811.59	1,200,116.41
53 - Physical Environment	3,090,000.00	4,951,582.00	40,749.91	758,966.47	4,192,615.53
54 - Transportation	7,893,463.00	17,309,501.00	203,221.82	1,005,766.02	16,303,734.98
57 - Culture & Recreation	0.00	95,800.00	2,528.58	2,528.58	93,271.42
Expense Total:	11,378,463.00	23,649,811.00	296,500.31	1,860,072.66	21,789,738.34
Fund: 30 - Cap Projects Fund Surplus (Deficit):	0.00	0.00	0.00	0.00	0.00
Fund: 31 - Other Capital Projects Fund					
Revenue					
366 - Contributions	0.00	0.00	0.00	0.00	0.00
381 - Transfers In	100,000.00	1,072,126.00	526.25	235,593.74	836,532.26
Revenue Total:	100,000.00	1,072,126.00	526.25	235,593.74	836,532.26
Expense					
53 - Physical Environment	0.00	0.00	0.00	0.00	0.00
55 - Economic Environment	100,000.00	393,327.00	0.00	230,457.29	162,869.71
57 - Culture & Recreation	0.00	678,799.00	526.25	5,136.45	673,662.55
Expense Total:	100,000.00	1,072,126.00	526.25	235,593.74	836,532.26
Fund: 31 - Other Capital Projects Fund Surplus (Deficit):	0.00	0.00	0.00	0.00	0.00

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-154
AGENDA ITEM SUMMARY			
REQUESTED MOTION: APPROVE TEMPORARY ROAD CLOSURES of portions of Old 41 AND SPECIAL EVENT PERMIT FOR 4 TH OF JULY PARTY IN THE PARK AND PARADE ON THURSDAY, JULY 4, 2019 AT RIVERSIDE PARK.			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	STATUTE	<p>Lora Taylor Director of Communications</p> <p>Kendra Gilreath Community Relations Specialist</p>
X	CONSENT	ORDINANCE	
	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	X OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		
<p>BACKGROUND: The Bonita Springs Professional Firefighters Local 3444 will be hosting its annual Fourth of July Parade on Thursday, July 4, 2019 starting at 9:00 am. The firefighters will be working in partnership with the Lee County Sheriff's Office to coordinate the safe movement of pedestrians and traffic from the set up to the completion of the parade. Portions of Old US 41 Road from Rosemary Dr to Kentucky Street will be closed for the parade. The closure will begin at approximately 8:30 a.m. through 10:30 a.m. for pedestrian safety. The road will reopen after the parade and Old US41 Road from Wilson Street to Childers Street will be closed again at 4:30 p.m. for the Party in the Park activities.</p> <p>The City will then hold its celebration of the Annual "Star Spangled Bonita Party in the Park" event scheduled for Thursday, July 4, 2019 from 5:00 p.m. to 9:00 p.m. There will be live musical entertainment, activities for children, food, beverages and a laser light show/fireworks display choreographed to music. The Rotary Club of Bonita Springs, Inc. will partner with the City for the sale of beer and wine and proceeds from the sales will benefit the club's non-profit activities. The Lee County Sheriff's Office is requesting that the road between the Liles Hotel Plaza and Riverside Park be closed at 8:00pm to through traffic. The road closure would be to assist in pedestrian traffic and safety during a portion of the evening event in preparation of the fireworks show.</p> <p>Staff is coordinating the events with the Bonita Springs Professional Firefighters Local 3444 and with the Lee County Sheriff's Office. Funds are available in the special event budget for Fourth of July (0-430-5744804). Staff recommends not permitting the amplified sound to exceed 65 dB from the point of the closest residence during the duration of the event.</p> <p>Attachment: Special Event Permit Application Layout Parade Information</p>			
<p>IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? YES X NO</p> <p>IF YES, WHICH STRATEGIC OBJECTIVE?</p>			
<p>STAFF RECOMMENDATIONS: Approve temporary road closures of portions of Old 41 for the 4th of July festivities and special event permit for the 4th of July Party in the Park and Parade to be held on Wednesday, July 4, 2019 at Riverside Park with the condition that the amplified sound to not exceed 65 db from the point of the closest residence during the duration of the event</p>			
<p>REVIEWED BY:</p> <p>City Manager: </p> <p>City Attorney: </p> <p>City Clerk: </p> <p>Department Director: </p>			
<p>COUNCIL ACTION:</p> <p>___ APPROVED</p> <p>___ DENIED</p> <p>___ DEFERRED</p> <p>___ OTHER</p>			

STAR SPANGLED BONITA

Laser & Fireworks Display

4th of July Celebration



9:00am Bring The Noise 2019 Parade hosted by Bonita Springs Professional FireFighters Local 3444

Parade questions? Call Bonita Springs Fire Department

Brian Hornberger (239) 298-4706

5:00pm Party in the Park

**For more information about the Party in the Park please
call (239) 949-6262**

FOR MORE INFORMATION, CALL (239) 949-6262

s.m.i.l.e.dental



Naples Daily News
PART OF THE USA TODAY NETWORK



BRING THE NOISE 2019



BONITA SPRINGS FIREFIGHTERS
2019 FOURTH OF JULY PARADE

WWW.LOCAL3444.ORG/PARADE



A vibrant graphic featuring a collage of musical instruments including a trumpet, headphones, a microphone, a guitar, and a keyboard. The background is a mix of red and blue splatters. The text "BRING THE NOISE 2019" is written in a large, white, stylized font across the center. Yellow stars and musical notes are scattered around the bottom of the graphic.

BRING THE NOISE 2019



BONITA SPRINGS FIREFIGHTERS 2019 FOURTH OF JULY PARADE

**** The Parade will be held on Thursday, July 4 at 9:00 a.m. ****

ADVERTISING RATES

(NOTE: You can register at www.local3444.org/parade)

Corporate Sponsor \$1,000.00

Title Sponsor \$500.00

Full Page \$150.00

Half Page \$75.00

Quarter Page \$50.00

If you have questions on purchasing an advertisement, please contact Firefighter Brian Hornberger at 239-298-4706 or bhornberger@bonitafire.org.

The deadline for placing an ad in the Parade Program is June 28, 2019.



BRING THE NOISE 2019



BONITA SPRINGS FIREFIGHTERS 2019 FOURTH OF JULY PARADE

**** The Parade will be held on Thursday, July 4 at 9:00 a.m.****

PARADE PARTICIPANT ENTRY RATES

(NOTE: You can register at www.local3444.org/parade)

Equestrian \$10.00

Walking/Dancing \$20.00

Float/Vehicle \$35.00

You will be asked to submit information about your participant online to be read as the participant passes the judges; this information should be no more than three sentences. Please keep it short and sweet.

If you have questions about entering a participant, please contact Firefighter Brian Hornberger at 239-298-4706 or bhornberger@bonitafire.org.

The deadline for entering a participant in the Parade is June 30, 2019.

**SPECIAL EVENT
PERMIT APPLICATION**

PERMIT. SEP- _____

Attention: The City of Bonita Springs is going forward with an extensive Downtown Improvement Project. There will be ongoing construction in the Downtown area. This may affect your permitting. The City will notify you in advance if you may need to be relocated to another City facility or if the City will not be able to grant any additional permits due to the construction schedule. We apologize for this inconvenience.

Date Received: _____ Application Fee: \$50.00 \$25.00 (501C3 organizations) Fee is non-refundable	City of Bonita Springs 9101 Bonita Beach Road Bonita Springs, FL 34135 Phone: 239/949-6262 Fax: 949-6239	Effective Date/Time: _____
--	---	----------------------------

Use this form for: Parades, Festival/Carnival, Any Activity Requiring Off-Site Parking, Street Closure, Sound Amplification or City Personnel, Run/Race/Walk, Art Shows, Concerts, Special Musical Presentation, Street Dances, Photography Shoots, and Fireworks. For information call 949-6262.

Completed Special Event Permits take 30 days to process with all necessary attachments. Your permit will go to the next Council Meeting after the 30 days. Please take this into consideration when planning your event.

Organization: The City of Bonita Springs
Nature of Event: Star Spangled Bonita July 4th Celebration
Location (Attach Site Plan): 10450 Reynolds Street

Date	Set-Up Time	Actual Event Times	Take Down Time
<u>July 4, 2019</u>	<u>.6am</u> <u>9am</u>	<u>9am</u> <u>9:30pm</u>	<u>9:30pm</u> to <u>11pm</u>

For multiple dates, please attach letter.

Has this event been held in the past? Yes. If so, when was the last event? _____
Individual Contact for Activity/Event: Kendra Gilreath Phone: 239-949-6262
Address: 9101 Bonita Beach Road, Bonita Springs, FL 34135 Fax: _____
E-Mail Address: kendra.gilreath@cityofbonitasprings.org
Major Sponsor(s): City of Bonita Springs
Promoter(s): N/A Phone or Contact #: _____

1. Crowd: Is anticipated crowd size 1,000 or more?	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Actual Anticipated number: _____

2. Parking: Will off-site parking be provided? _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	-------------------------------------	--------------------------

Will "shuttle" service to parking be provided? By whom? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

3. Streets/Traffic: Will any street(s) or sidewalk(s) be closed? (If yes, provide location on site plan.) Signs, barricades and traffic control plans will be the responsibility of the applicant and will be required in conjunction with Lee County Sheriff's Office, Public Works and the Fire District for review and approval.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	-------------------------------------	--------------------------

Note: If any traffic will be affected on U.S. 41 a separate permit must be filed with the Florida Department of Transportation, District One, P.O. Box 1030, Ft. Myers, FL 33902. (239) 694-2941

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 4. Noise: Will there be amplified music or entertainment? If yes, please attach type(s) of Entertainment and time(s) of performances(s). <u>Indicated stage location(s) on site plan.</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. City Co-Sponsorship:
Is City co-sponsorship being requested? If yes, please explain with letter of attachment, listing benefitting organizations. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Fireworks: Is this a public _____ or private _____ display? Applicant must comply with State Law F.S. 791; and NFPA 1123 and obtain any applicable Lee County permit. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Banners, Signs, Etc.: Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Alcohol Beverages: Will alcoholic beverages be sold <u> x </u> or consumed <u> x </u> on the premises? Please check one or both. A copy of the Florida Beverages Commission permit is required to finalize before event. Permit Holder: _____
Division of Alcoholic Beverages and Tobacco: (239) 278-7195. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Security: Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: _____
Contact Number: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Private Property: Does the applicant own the property where the event is to be held? If not, please attach a letter of permission from the property owner. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Public Safety: Will Police and Fire District Personnel be requested? (Based on responses to questions 1-6 certain Public Safety personnel may be required, i.e., Lee County Sheriff's Office, emergency services, fire, etc. Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety staff necessary for event. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12. Tents/Canopies: Will tents or canopies be used? <u>If yes, indicate on site plan the tent size, location, and type of surface on which the tent(s) will be installed and intended use of each tent.</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 13. Air Conditioning Units/Power Generators: Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? <u>If yes, indicate location of equipment on-site plan.</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Food/Cooking: Will food be cooked <u> x </u> catered <u> x </u> on-site during this event? <u>Indicate on site plan the location of vendors and cooking equipment to be used.</u>
(Appropriately rated fire extinguishers required.) Lee County Health Department approval is required to finalize permit before event. Environmental Health Section: (239) 332-9559. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Yes No

15. Sanitary Facilities:

Will temporary sanitary facilities be provided? If yes, indicate location on site plan. ☒ ☐

Will disposable cardboard trash receptacles be provided? If yes, indicate on site plan. ☒ ☐

Will additional refuse containers/dumpsters be provided? ☒ ☐

If yes, by whom: _____

16. Insurance Requirement: (Events on City property or City co-sponsored) Please provide the City of Bonita Springs with a Certificate of Insurance for property and liability coverage of the event, naming the City as additional insured. (Liability - \$1,000,000 each occurrence, \$2,000,000 aggregate; Property Damage - \$500,000). Must be provided to finalize permit before event.

DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED, IF CONDITIONS HAVE CHANGES, OR THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY MANAGER AND THE ACTIVITY SHALL CEASE IMMEDIATELY.

I, the undersigned, will indemnify, defend and hold harmless, the City of Bonita Springs, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

Signature of Applicant

Date

Comments: _____

City Manager

Date

Comments: _____

Application Fee is non refundable.



**STAR SPANGLED
BONITA 2019**

KIDS AREA
Kettle Corn
Center for the Arts
Royal Scoop Cart

Fire
Department

Fire Dept
First Aide

Gator FM

City T-Shirts
Film Festival
Lost & Found

ATM

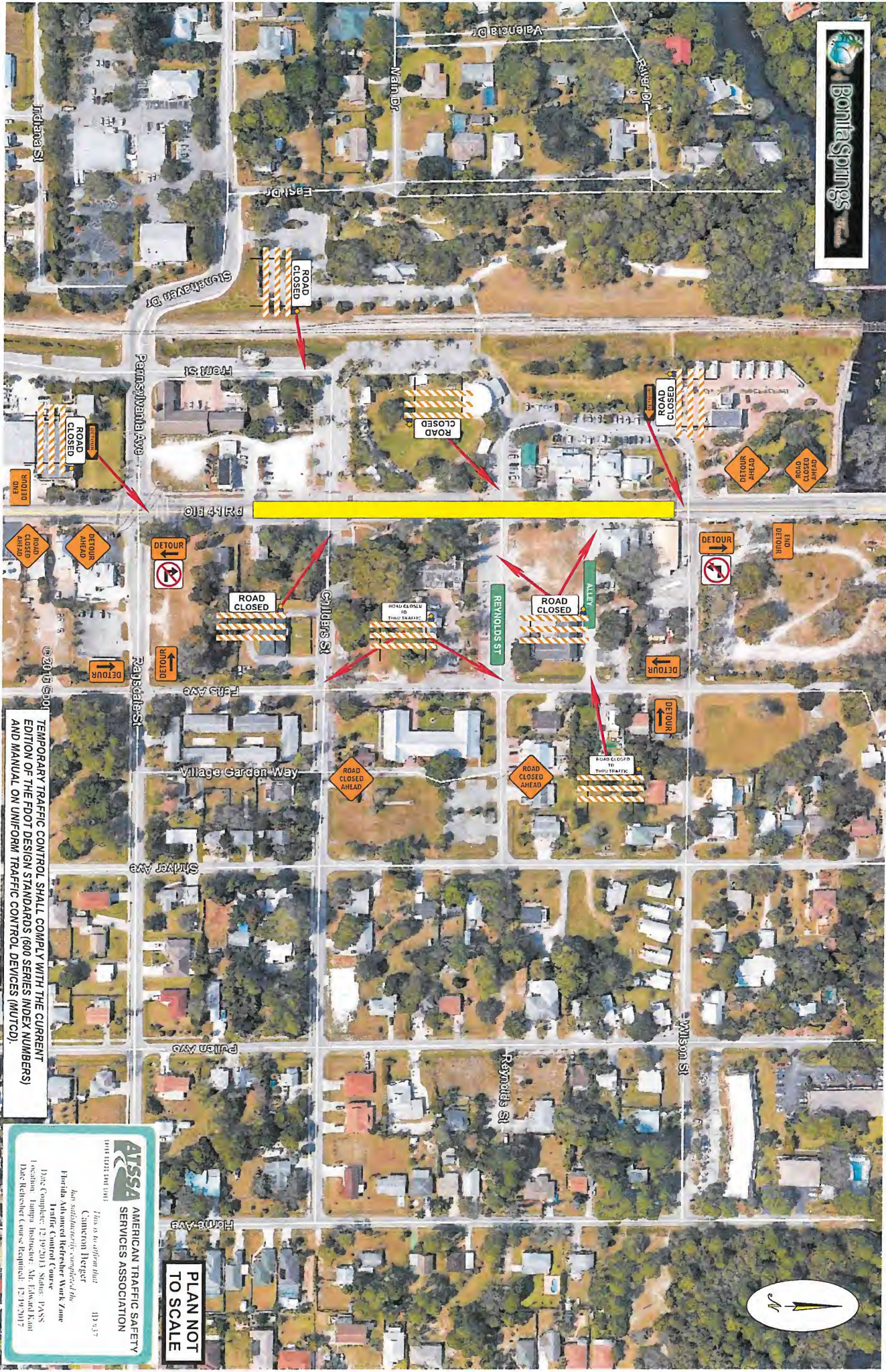
Rotary
Refreshment
Truck

Front St

- 1. TBD
- 2. TBD
- 3. TBD
- 4. TBD
- 5. TBD
- 6. TBD
- 7. TBD
- 8. TBD
- 9. TBD
- 10. TBD
- 11. TBD
- 12. TBD

Bob FM

Food Vendor
Food Vendor
Food Vendor
Food Vendor



TEMPORARY TRAFFIC CONTROL SHALL COMPLY WITH THE CURRENT EDITION OF THE FDOT DESIGN STANDARDS (600 SERIES INDEX NUMBERS) AND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).

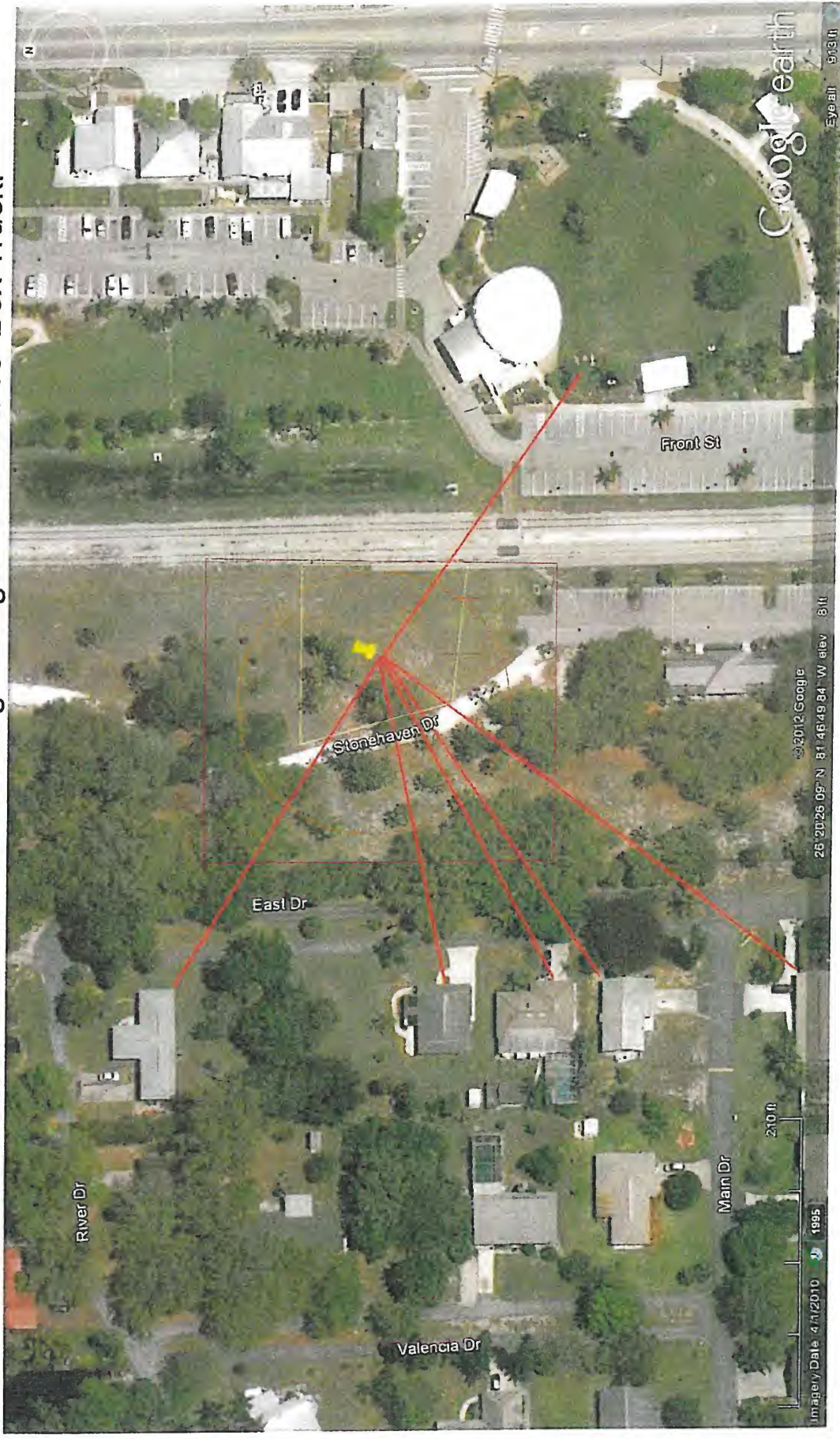
ATSSA
AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION

This is to affirm that
Camron Berger
has satisfactorily completed the
Florida Advanced Refresher Work Zone
Traffic Control Course
Date Complete: 12/19/2013 Status: PASS
Location: Tampa, Instructor: Mr. Patrick Kain
Date Refresher Course Required: 12/19/2017

10/13/17

PLAN NOT TO SCALE

Area Marked With Yellow Lines Proposed Fenced Area This Will Keep The Firing Site Secure Red Lines Indicate Gate Access Big Enough To allow a 16' Box Truck.



We will extend out the area as usual with tape for the actual show for fallout area. Fallout area marked as orange circle, Pink Lines extended caution tape area.



U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Federal Explosives Licensing Center
244 Needy Road
Martinsburg, West Virginia 25405

901090: CRR/FLS
5400
File Number: 9NV12126

05/19/2017

SUBJECT: **EMPLOYEE POSSESSOR LETTER OF CLEARANCE** for:

GLENN STUART WRIGHT

PYROTECHNICIAN
(954)330-1668

SW 12 STREET
MIRAMAR, FL 33025

and is ONLY valid under the following Federal explosives license/permit:

9-NV-003-21-8J-12126

ADVANCED ENTERTAINMENT SERVICES INC
ADVANCED ENTERTAINMENT SERVICES
4325 W RENO AVE
LAS VEGAS, NV 89118-0000

Dear GLENN WRIGHT:

You have been approved to transport, ship, receive or possess explosive materials as an employee possessor under the Federal explosive license or permit indicated above. **This clearance is only valid under the license or permit referenced above.**

Sincerely,

Christopher R. Reeves
Chief, Federal Explosives Licensing Center (FELC)

FELC Customer Service. If you believe that information on your "Letter of Clearance" is incorrect, please return a COPY of the letter to the Chief, Federal Explosives Licensing Center (FELC), with a statement showing the nature of the error. The Chief, FELC, shall correct the error, and return an amended letter to you.

Mail: ATF
Chief, FELC
Attn.: LOC Correction
244 Needy Road
Martinsburg, West Virginia 25405

Fax: 1-304-616-4401
Chief, FELC
Attn.: LOC Correction

Call toll-free: 1-877-283-3352

WWW.ATF.GOV

9NV12126-P-05/19/2016-WRIGHT GLENN STUART-PYROTECHNICIAN

GLENN STUART WRIGHT

Employee Possessor Letter of Clearance for:

Bonita Spring Firework Specifications

All products used conform to 49 CFR 173.56(j)(1) and APA Standard 87-1 otherwise known as

Consumer class fireworks.

For any other enquiries please feel free to contact Glenn Wright at Lasernet

Office 305 690 6885 Mobile 954 330 1668

Glenn_s_wright@yahoo.com



Laser Production Network
 20209 NE 15th Ct
 Miami, FL 33179
 Phone: 305-690-6885
 Fax: 305-690-6881
 www.lasernet.com

Invoice

Invoice Number: INV-00360
 July 4 Bonita 2019 - 19-0024 - Invoice #1

Client	Ship To	Venue / Site
City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org	City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org	City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org

Account Manager	Currency	Sales Tax Rule	Warehouse
Glenn Wright	US Dollar		Miami

Prepared Date	Entered By	Due Date	Status	Customer PO
4/29/2019	Christine Jenkin	5/27/2019	Unpaid Invoice	

Type	Qty.	Description	Note	Time Qty.	Rate	Unit Rate	Ext. Price
Note		Refer to Quote Number 19-0024 for details.					
Service	1	July 4 Bonita 2019 - 19-0024 - Invoice #1				9,337.50	9,337.50
Notes:							
Client is to provide Hotel rooms for 3 technicians for July 3 and 4th							
Power (4 x 20 amp circuits of 110VAC)							
Security to keep people back from Pyro site.							
Subtotal:							\$9,337.50
Sales Tax:							\$0.00
Discount:							\$0.00
Delivery and Pickup:							\$0.00
Total:							\$9,337.50
Total Applied Payments:							\$0.00
Balance Due:							\$9,337.50



Laser Production Network
 20209 NE 15th Ct
 Miami, FL 33179
 Phone: 305-690-6885
 Fax: 305-690-6881
 www.lasernet.com

Invoice

Invoice Number: INV-00361
 July 4 Bonita 2019 - 19-0024 - Invoice #2

Client	Ship To	Venue / Site
City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org	City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org	City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org

Account Manager	Currency	Sales Tax Rule	Warehouse
Glenn Wright	US Dollar		Miami

Prepared Date	Entered By	Due Date	Status	Customer PO
4/29/2019	Christine Jenkin	7/4/2019	Unpaid Invoice	

Type	Qty.	Description	Note	Time Qty.	Rate	Unit Rate	Ext. Price
Note		Refer to Quote Number 19-0024 for details.					
Service	1	July 4 Bonita 2019 - 19-0024 - Invoice #2				9,337.50	9,337.50

Notes:
 Client is to provide Hotel rooms for 3 technicians for July 3 and 4th
 Power (4 x 20 amp circuits of 110VAC)
 Security to keep people back from Pyro site.

Subtotal:	\$9,337.50
Sales Tax:	\$0.00
Discount:	\$0.00
Delivery and Pickup:	\$0.00
Total:	\$9,337.50
Total Applied Payments:	\$0.00
Balance Due:	\$9,337.50

AGENDA ITEM SUMMARY

REQUESTED MOTION: Approve the purchase of closed captioning equipment to bring BTV into ADA compliance and approve a budget transfer resolution for the purchase of closed captioning equipment.

MEETING DATE: June 5, 2019

AGENDA:		REQUIREMENT/PURPOSE: (Specify)		REQUESTOR OF INFORMATION:
	PRESENTATIONS	X	STATUTE §166.241	Lora Taylor Director of Communications
X	CONSENT	X	ORDINANCE CITY CHARTER SECTION 46	
	PUBLIC HEARING		ADMIN. CODE	
	APPEALS		OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS			
	CITY ATTORNEY			
	CITY MANAGER			

BACKGROUND:

It is recommended that all government access channels provide a closed captioning option to be in to compliance with ADA requirements. The Automated Closed Captioning options presented by Encore Broadcast Solutions include an automated captioning engine encoder bundle so that live meetings are compliant, and a captioning engine so that rebroadcast meetings are also compliant. The vendor recommends the purchase of new microphones for optimum performance of the closed captioning equipment.

The closed captioning bundle comes with one-year warranty coverage. It includes the Live Media SCE-492 initial system priced at \$60,442.46 and a rebroadcast system, which includes an offline system, priced at \$26,647.50, for a combined total of \$87,089.96. Of this total, \$68,000.00 will be funded from the Closed Captioning Line item and the remaining \$19,089.96 will be transferred from remaining funds available in the Comprehensive Plan Amendment line item for this fiscal year.

The microphone purchase of \$12,709.17, which also includes a teleconference system to allow call-ins for external contributors, will be funded from the City Hall Capital Improvement account.

Section 46(a) of the City Charter allows for the transfer of all or part of any unrestricted appropriations from one department to another.

Attached: A Budget Transfer Resolution to transfer FY 2019 Comprehensive Plan Amendment Fund account to the applicable Closed Captioning account for a total of \$19,100.00.

Invoices

Is this a Strategic Decision? ☒ YES ☐ No

If YES, related to which Strategic Objective? # 7 Transparency

STAFF RECOMMENDATIONS: Approval of the purchase of Closed Captioning equipment to comply with ADA requirements and approval of the resolution authorizing the use of Comprehensive Plan Amendment Funds for partial purchase of the Closed Captioning Equipment.

REVIEWED BY:

City Manager:

City Attorney:

City Clerk:

Department Director:

Approved by Don Raganey
Michelle Kim
Lora Taylor

COUNCIL ACTION:

- ☐ APPROVED
☐ DENIED
☐ DEFERRED
☐ OTHER

BONITA SPRINGS CITY COUNCIL**GREEN SHEET:**

19-06-160

AGENDA ITEM SUMMARY

REQUESTED MOTION: Approve the purchase of closed captioning equipment to bring BTV into ADA compliance and approve a resolution authorizing the use of Comprehensive Plan Amendment Funds for the purchase of Closed Captioning Equipment.

MEETING DATE: June 5, 2019**AGENDA:****REQUIREMENT/PURPOSE: (Specify)****REQUESTOR OF INFORMATION:**

	PRESENTATIONS	X	STATUTE \$166.241
X	CONSENT	X	ORDINANCE CITY CHARTER SECTION 46
	PUBLIC HEARING		ADMIN. CODE
	APPEALS		OTHER
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		

Lora Taylor
Director of Communications

BACKGROUND:

It is recommended that all government access channels provide a Closed Captioning option to be in compliance with ADA requirements. The Automated Closed Captioning options presented by Encore Broadcast Solutions include an automated captioning engine encoder bundle so that live meetings are compliant, and a captioning engine so that rebroadcast meetings are also compliant. The vendor recommends the purchase of new microphones for optimum performance of the Closed Captioning equipment.

The Closed Captioning bundle comes with one-year warranty coverage. It includes the Live Media SCE-492 initial system priced at \$60,442.46 and a rebroadcast system, which includes an offline system, priced at \$26,647.50, for a combined total of \$87,089.96. Of this total, \$68,000.00 will be funded from the Closed Captioning Line item and the remaining \$19,089.96 will be covered by funds available in the Comprehensive Plan Amendment line item.

The microphone purchase of \$12,709.17, which also includes a teleconference system to allow call-ins for external contributors, will be funded from the City Hall Capital Improvement account.

Section 46(a) of the City Charter allows for the transfer of all or part of any unrestricted appropriations from one department to another.

Attached: A Budget Transfer Resolution to transfer FY 2019 Comprehensive Plan Amendment Fund account to the applicable Closed Captioning account for a total of \$19,100.00.

Invoices

Is this a Strategic Decision? ☒ YES ☐ No**If YES, related to which Strategic Objective?** # 7 Transparency

STAFF RECOMMENDATIONS: Approval of the purchase of Closed Captioning equipment to comply with ADA requirements and approval of the resolution authorizing the use of Comprehensive Plan Amendment Funds for partial purchase of the Closed Captioning Equipment.

REVIEWED BY:**City Manager:** _____**City Attorney:** _____**City Clerk:** _____**Department Director:** Lora Taylor**COUNCIL ACTION:**☐ **APPROVED**☐ **DENIED**☐ **DEFERRED**☐ **OTHER**

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 19 – ____

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A 2019 FISCAL YEAR GENERAL FUND BUDGET TRANSFER FROM THE COMPREHENSIVE PLAN AMENDMENT ACCOUNT TO THE CLOSE CAPTIONING SERVICES ACCOUNT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2018, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2019; and

WHEREAS, Section 46(d) of the City Charter allows the transfer for all or part of any unrestricted appropriation from one department to another; and

WHEREAS, the FY 2019 Adopted General Fund Budget included funding for close captioning services relating to compliance with the Americans with Disabilities Act; and

WHEREAS, additional funding is needed to acquire the on-demand video service; and

WHEREAS, funding is available in the Comprehensive Plan Amendment account to assist with the funding of the on-demand video service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida, that:

- 1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.
- 2.The Bonita Springs' City Council authorizes the following budget transfer to increase (decrease) budgeted amounts for the indicated accounts within the General Fund:

Account Description	Increase (Decrease)
General Fund:	
Close Captioning Services	19,100
Comprehensive Plan Amendment	(19,100)

- 3.This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of June, 2019.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr _____	O'Flinn _____
DeWitt _____	Quaremba _____
Forbes _____	Simmons _____
Gibson _____	

Date filed with City Clerk: _____



2104 W. KENNEDY BOULEVARD
TAMPA, FL 33606-1535
PH (813) 253-2774 / FAX (813) 254-5907
DTAYLOR@ENCOREBROADCAST.COM

PRO FORMA

5/6/2019

COMPANY: City of Bonita Springs
ATTENTION: Addison Smelko
ADDRESS: 9101 Bonita Beach Road
CITY/STATE/ZIP: Bonita Springs, FL 34135
PHONE: 239-949-6262
EMAIL: addison.smelko@cityofbonitasprings.org

FOB: Destination
DELIVERY: 45-60 Days ARO
VALID: 30 Days
TERMS: Net 30 w/ APO
Notes: Ref SDHC Bid#14115
on Purchase Order

Item	Qty.	Mfg.	Model	Description	List Price	Discount	Ext. Cost
<u>Automated Closed Captioning</u>							
1	1	Link		Automated Captioning Engine - Live Media SCE-492 Encoder Bundle (Includes 1 Yr ACE Wtv Coverage)	\$ 51,350.00	15.00%	\$ 43,647.50
2	1	AJA		Streaming Encoder w/ CC for You Tube	\$ 1,395.00	15.00%	\$ 1,185.75
3	2	BMD		Analog to SDI Converter w/ Audio Embedder	\$ 549.00	15.00%	\$ 933.30
4	1	BMD		1x8 SDI	\$ 549.00	15.00%	\$ 466.65
5	1	BMD		Rack Shelf	\$ 95.00	15.00%	\$ 80.75
6	1	BMD		Smart Videohub Clean Switch 12x12	\$ 1,649.00	15.00%	\$ 1,401.65
7	1	BMD		1U Audio Meter/Monitor	\$ 1,395.00	15.00%	\$ 1,185.75
8	1	Raritan		8 Port KVM Switch	\$ 995.00	15.00%	\$ 845.75
9	1	BMD		15.6" HD-SDI Rackmount Monitor 6U	\$ 1,095.00	15.00%	\$ 930.75
10	2	Raritan		KVM Modules (HDMI)	\$ 179.00	15.00%	\$ 304.30
11	1	Hosa		25pin to 8ch XLR Breakout Cable	\$ 95.95	15.00%	\$ 81.56
12	90	Encore		Labor (Man Hour)	\$ 95.00	0.00%	\$ 8,550.00
13	1	Encore		Cables, Connectors and Accessories	\$ 975.00	15.00%	\$ 828.75
14					\$ -	0.00%	\$ -
15					\$ -	0.00%	\$ -
16					\$ -	0.00%	\$ -
17							\$ -
18							\$ -
TOTAL \$							60,442.46

TERMS:

- *Quoted price does not include applicable Sales Tax or shipping charges unless indicated above.
- *Shipping is FOB Origin - Pre Paid and added to invoice unless indicated above.
- *All credit card payments will be assessed a 3% convenience fee unless otherwise noted.

I have read and accept, by my signature, the terms of this ProForma Invoice which govern the sale of products or services to me or, if a corporation, by me as a duly authorized representative of said corporation. When sent by facsimile or email, I agree that my signature shall be conclusive evidence of the Buyer's acceptance of these terms.

ACCEPTED AND AGREED BY:

PRINT NAME: _____ DATE: _____
SIGNATURE: _____

ENCORE REPRESENTATIVE: DOUGLAS TAYLOR

"Experience Empowering Excellence"



2104 W. KENNEDY BOULEVARD
TAMPA, FL 33606-1535
PH (813) 253-2774 / FAX (813) 254-5907
DTAYLOR@ENCOREBROADCAST.COM

PRO FORMA

5/20/2019

COMPANY: City of Bonita Springs
ATTENTION: Addison Smelko
ADDRESS: 9101 Bonita Beach Road
CITY/STATE/ZIP: Bonita Springs, FL 34135
PHONE: 239-949-6262
EMAIL: addison.smelko@cityofbonitasprings.org

FOB: Destination
DELIVERY: 45-60 Days ARO
VALID: 30 Days
TERMS: Net 30 w/ APO
NOTES: Ref SDHC Bid#14115
on Purchase Order

Item	Qty.	Mfg.	Model	Description	List Price	Discount	Ext. Cost
<u>Off-Line Closed Captioning Server</u>							
1	1	Link		Automated Captioning Engine (Off Line System) - (Includes 1 Yr ACE Wtv Coverage)	\$ 31,350.00	15.00%	\$ 26,647.50
2					\$ -	0.00%	\$ -
3							\$ -
4							\$ -
5							\$ -
6							\$ -
7							\$ -
8							\$ -
9							\$ -
10							\$ -
11							\$ -
12							\$ -
13							\$ -
14							\$ -
15							\$ -
16							\$ -
17							\$ -
18							\$ -
TOTAL							\$ 26,647.50

TERMS:

*Quoted price does not include applicable Sales Tax or shipping charges unless indicated above.

*Shipping is FOB Origin - Pre Paid and added to invoice unless indicated above.

*All credit card payments will be assessed a 3% convenience fee unless otherwise noted.

I have read and accept, by my signature, the terms of this ProForma Invoice which govern the sale of products or services to me or, if a corporation, by me as a duly authorized representative of said corporation. When sent by facsimile or email, I agree that my signature shall be conclusive evidence of the Buyer's acceptance of these terms.

ACCEPTED AND AGREED BY:

PRINT NAME: _____ DATE: _____
SIGNATURE: _____

ENCORE REPRESENTATIVE: DOUGLAS TAYLOR

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2104 W. KENNEDY BOULEVARD
TAMPA, FL 33606-1535
PH (813) 253-2774 / FAX (813) 254-5907
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PRO FORMA

5/20/2019

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PHONE: 239-949-6262
EMAIL: addison.smelko@cityofbonitasprings.org

FOB: Destination
DELIVERY: 45-60 Days ARO
VALID: 30 Days
TERMS: Net 30 w/ APO
NOTES: Ref SDHC Bid#14115
on Purchase Order

Item	Qty.	Mfg.	Model	Description	List Price	Discount	Ext. Cost
<u>Microphone Upgrade</u>							
1	1	Lectrosonics		Teleconference System	\$ 3,820.00	15.00%	\$ 3,247.00
2	13	Beyer		RM30 Vertical Array Microphone - Black	\$ 549.00	15.00%	\$ 6,066.45
3	13	Beyer		Desk Stand for Microphone	\$ 69.00	15.00%	\$ 762.45
4	13	Hosa		5ft Pro Microphone Cable	\$ 19.45	15.00%	\$ 214.92
5	12	Neutrik		XLR - Female Connector	\$ 4.25	15.00%	\$ 43.35
6	25	Encore		Labor	\$ 95.00	0.00%	\$ 2,375.00
7							\$ -
8							\$ -
9							\$ -
10							\$ -
11							\$ -
12							\$ -
13							\$ -
14							\$ -
15							\$ -
16							\$ -
17							\$ -
18							\$ -
TOTAL \$							12,709.17

TERMS:

*Quoted price does not include applicable Sales Tax or shipping charges unless indicated above.

*Shipping is FOB Origin - Pre Paid and added to invoice unless indicated above.

*All credit card payments will be assessed a 3% convenience fee unless otherwise noted.

I have read and accept, by my signature, the terms of this ProForma Invoice which govern the sale of products or services to me or, if a corporation, by me as a duly authorized representative of said corporation. When sent by facsimile or email, I agree that my signature shall be conclusive evidence of the Buyer's acceptance of these terms.

ACCEPTED AND AGREED BY:

PRINT NAME: _____ DATE: _____
SIGNATURE: _____

ENCORE REPRESENTATIVE: DOUGLAS TAYLOR

"Experience Empowering Excellence"

AGENDA ITEM SUMMARY

REQUESTED MOTION: Authorize staff to enter into a Memorandum of Understanding with Lee County to utilize cabinet/rack space at the Emergency Operations Center.

MEETING DATE: June 5, 2019

AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	<p>Lora Taylor Director of Communications</p> <p>Addison Smelko I.T. Manager</p>
X	CONSENT	
	PUBLIC HEARING	
	APPEALS	
	MAYOR AND COUNCIL MEMBER'S REPORTS	
	CITY ATTORNEY	
	CITY MANAGER	

BACKGROUND:

This Memorandum of Understanding will allow the City of Bonita Springs to continue to utilize cabinet/rack space at the Lee County Emergency Operations Center for backups. In the event of a natural disaster or catastrophic failure at City Hall, the leased cabinet/rack space will house backups to ensure a quick resurrection of lost critical data. These backups will allow the City to operate live from the Emergency Operations Center should the infrastructure at City Hall lose power. The leased cabinet/rack space is in a dedicated server room that has redundant safety measures.

Total Costs:

- Rack Space charge of \$412 per month per cabinet. We currently use one cabinet.
- Power bill charge of approximately \$90 per month. Our power consumption was monitored for one hour, which totaled .4455 kW. Using 732 hours in a month at \$.2781 per kWh it is estimated that the power consumption will total approximately \$90 per month.

This total has been included in the upcoming budget request.

Is this a Strategic Decision? YES ☐ NO ☒

If YES, related to which Strategic Objective?

STAFF RECOMMENDATIONS: Authorize staff to enter into a Memorandum of Understanding with Lee County to utilize cabinet/rack space at the Emergency Operations Center.

REVIEWED BY:

City Manager: _____

City Attorney: _____

City Clerk: _____

Department Director: _____

COUNCIL ACTION:

- ☐ **APPROVED**
☐ **DENIED**
☐ **DEFERRED**
☐ **OTHER**

MEMORANDUM OF UNDERSTANDING
BETWEEN LEE COUNTY BOARD OF COUNTY COMMISSIONERS
THROUGH THE IT DEPARTMENT AND
THE CITY OF BONITA SPRINGS
FOR LEASING SPACE AT EMERGENCY OPERATIONS CENTER

This Memorandum of Understanding (MOU) made and entered into the _1st_ day of _October_ 2019, by and between the Lee County Board of County Commissioners, a political subdivision and Charter County of the State of Florida; through the IT Department, hereafter "County"; and the City of Bonita Springs; collectively, the "PARTIES", hereto.

Recitals:

Whereas, this MOU establishes the responsibilities and relationships between the County, and the City of Bonita Springs for leasing of secured space for fiber services at the Emergency Operations Center (EOC) building located at 2875 Ortiz Avenue, Fort Myers, FL 33905 ; and

Whereas, the County and the City of Bonita Springs can enter into an agreement for sharing of services pursuant to Florida Statutes Chapter 163; and

Whereas, the County owns and operates the EOC building; and

Whereas, the County houses fiber equipment containing fiber materials at the EOC; and

Whereas, the County is agreeable to collaborating with other Constitutional Offices and Municipalities to reduce the cost of establishing fiber services.

NOW, THEREFORE, the Parties agree to the following:

A. Leased Space

1. The City of Bonita Springs will lease, from the County, 1 cabinet space; and pay for the use of actual electricity consumed for IT equipment located at the EOC building.
2. If additional installation is requested by the City of Bonita Springs, the fees and procedures listed in A.2.a, A.2.b, A.2.c, and A.2.d below will apply. For the existing installation, the City of Bonita Springs will be billed the fees listed in A.2.b, A.2.c, and A.2.d below:
 - a. Installation – **these one-time fees are for new EOC leased space tenants** and are based on the power requirements of the City of Bonita Springs infrastructure. The City of Bonita Springs will be billed actual costs related to installation fees. If desired, contractors of choice by the City of Bonita Springs can be utilized, as long as County standards are adhered to. Fee estimates are:

- i. APC PDU's (qty of 2 per cabinet) – total of \$3,000 per cabinet.
- ii. Cabinet rekeying – \$100 per cabinet.
- iii. Power Box installation – the County's cabinets currently have a 20 Amp breaker box mounted on the bus bar. This is the most commonly used breaker box and is provided free of charge. If the City of Bonita Springs has a requirement to utilize a different power rating, the County will obtain a quote to identify the additional charge to be passed to the City of Bonita Springs for installation of the alternate breaker box.
- b. Rack Space – \$412 per cabinet, per month.
- c. Electricity Usage – \$0.2781 per kWh for the electricity usage for the IT equipment.
- d. Cost of Living Adjustment (CoLA) – annual 3% increase of MOU Rack Space and Electricity Usage fees. This adjustment will be applied January 1st of each year. Please see the CoLA fees schedule below:

MoU - EOC Data Center - Leased Space Agreement					
Cost of Living Adjustment (CoLA) Fees - 3% per Year					
Start Date =>	1-Jan-2018	1-Jan-2019	1-Jan-2020	1-Jan-2021	1-Jan-2022
End Date =>	31-Dec-2018	31-Dec-2019	31-Dec-2020	31-Dec-2021	31-Dec-2022
Cabinet Space (per Rack per Month)	\$ 400.00	\$ 412.00	\$ 424.36	\$ 437.09	\$ 450.20
Electricity Usage (per kWh)	\$ 0.270000	\$ 0.278100	\$ 0.286443	\$ 0.295036	\$ 0.303887

3. The County shall invoice the City of Bonita Springs on a quarterly basis and provide actual kWh electrical consumption usage reports as required.

B. Duration

1. This MOU shall terminate on December 31, 2022.
2. Either Party may terminate this agreement, without penalty or cause, by giving the other Party at least 3 months written notice of its intent to do so.

C. Terms and Conditions

1. This MOU may be amended only by written amendments, which must be signed by both Parties.
2. The City of Bonita Springs agrees to provide and maintain, at all times, during the term of this Agreement without cost or expense to the County, policies of insurance insuring the above personal property against any and all claims, demands and causes of action whatsoever, for the damage to personal property in connection with the storage of property.

3. In the event of any loss or damage to the personal property, the County shall not be responsible to reimburse the recipient or the City of Bonita Springs for the actual cost to replace the lost or damaged property.
4. The County does not provide, implied or otherwise defined within this document, any Service Level Agreements to the City of Bonita Springs associated with IT equipment up-time availability housed within the EOC's data center environment.
5. The City of Bonita Springs is responsible to coordinate and communicate all third party connectivity and installation activities with the County.
6. The City of Bonita Springs agrees to provide a list of authorized personnel allowed to access the data center environment. This list will indicate the primary and backup personnel responsible for maintaining the authorized personnel list.
7. During standard EOC operating hours, all City of Bonita Springs visitors are required to sign-in with the receptionist at the EOC's main entrance.
8. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its staff and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.

IN WITNESS OF THE ABOVE, the Parties hereto, by their duly authorized representatives have executed this Memorandum of Understanding on the dates shown below, to be effective the day and year first shown above.

City of Bonita Springs

By: _____

Date: _____

Approved as to Form:

ATTEST: LINDA DOGGETT

CLERK OF COURTS

BY: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____

CHAIR

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: _____

Office of the County Attorney

AGENDA ITEM SUMMARY

REQUESTED MOTION: Approve Budget Resolution to transfer budget between Historic Preservation Board's accounts in order to fund the Professional Conceptual Study for a Historic Village Development.

MEETING DATE: June 5, 2019

AGENDA:**REQUIREMENT/PURPOSE: (Specify)****REQUESTOR OF INFORMATION:**

PRESENTATIONS

STATUTE

X CONSENT

ORDINANCE

PUBLIC HEARING

ADMIN. CODE

MAYOR AND COUNCIL
MEMBER ITEMS

OTHER

MAYOR AND COUNCIL
MEMBER'S REPORTS

CITY ATTORNEY

CITY MANAGER

Carly Sanseverino
Staff Attorney

BACKGROUND:

On May 15, 2019, Council authorized the Historic Preservation Board to commence negotiations with Parker Mudgett Smith Architects to conduct a professional feasibility study and conceptual renderings for a historic village within the City.

Attached is a budget transfer resolution to transfer \$5,000 from the Board's Historic Preservation Grant Program account to the Historic Village Feasibility Study, which will then cover the \$30,000 contract with Parker Mudgett Smith Architects.

Attachment: Resolution

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES ☐ NO

IF YES, WHICH STRATEGIC OBJECTIVE? #7 Government Transparency

STAFF RECOMMENDATIONS: Approve Budget Resolution.

REVIEWED BY:

City Manager: _____

City Attorney: _____

City Clerk: _____

Department Director: _____

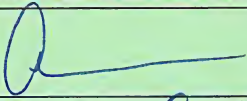
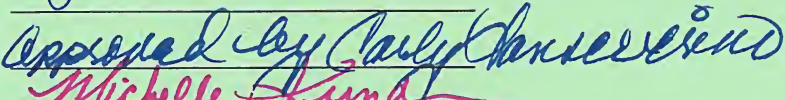
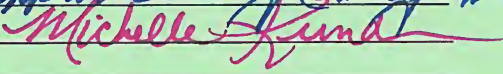
COUNCIL ACTION:___ **APPROVED**___ **DENIED**___ **DEFERRED**___ **OTHER**

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A 2019 FISCAL YEAR GENERAL FUND BUDGET TRANSFER FROM THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT TO FUND THE PROFESSIONAL CONCEPTUAL STUDY FOR A HISTORIC VILLAGE DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

2.The Bonita Springs' City Council authorizes the following budget transfer to increase (decrease) budgeted amounts for the indicated accounts within the General Fund:

Account Description	Increase (Decrease)
General Fund:	
Historic Village Feasibility Study	5,000
Historic Preservation Grant Program	(5,000)

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-162
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Authorize staff to enter into a use agreement with the SKY Family YMCA for non-member utilization of the YMCA's pool for Summer 2019.			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	STATUTE	Nicole Perino Parks and Recreation Director
X	CONSENT	ORDINANCE	
	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		
BACKGROUND: <p>During the summer of 2016, the City of Bonita Springs and the Sky Family YMCA entered into an agreement for a pilot program for public use of the YMCA pool to accommodate public demand during the summer months. The City continued this program in the summer of 2017 and 2018. The YMCA has agreed to partner again with the YMCA to open the aquatic facilities and locker rooms to non-member residents at a reduced daily rate on Saturdays from 10-4 pm and Sundays from 10-2 pm. The reduced daily rate for non-member residents is \$4 per individual or \$12 for adults with up to four children. Each additional adult or child is \$4 each.</p> <p>The City of Bonita Springs will pay \$1,264.73 to the YMCA to cover the administrative costs associated with staffing an additional lifeguard for the term of this agreement. This summer's program will begin on Saturday, June 8, 2019 and conclude on Sunday, August 11, 2019.</p> <p>Current YMCA non-member policy is a daily rate of \$10 and a maximum of three visits annually. Public usage includes unlimited visits, but is limited to aquatic facilities and locker rooms during the designated hours.</p> <p>Attachment: Agreement</p>			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES NO IF YES, WHICH STRATEGIC OBJECTIVE? #7 Government Transparency-Increased Outreach			
STAFF RECOMMENDATION: Authorize the City Manager to execute the use agreement with SKY Family YMCA for non-member utilization of its pool for Summer 2019.			
REVIEWED BY: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> City Manager: City Attorney: City Clerk: Department Director: </div> <div style="width: 60%;">    </div> </div>			
COUNCIL ACTION: <div style="display: flex; flex-direction: column; gap: 5px;"> <div><input type="checkbox"/> APPROVED</div> <div><input type="checkbox"/> DENIED</div> <div><input type="checkbox"/> DEFERRED</div> <div><input type="checkbox"/> OTHER</div> </div>			

**USE AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS
AND SKY FAMILY YMCA**

THIS AGREEMENT is made this ____ day of June, 2019 by and between the City of Bonita Springs, a Florida municipal corporation whose mailing address is 9101 Bonita Beach Road, Bonita Springs, Florida 34135 (the "City"), and SKY FAMILY YMCA, a Florida non-profit corporation whose mailing address is 27200 Kent Road, Bonita Springs, Florida 34135 (the "YMCA").

WHEREAS, the City of Bonita Springs and YMCA wish to formalize an agreement whereby the YMCA aquatic facilities and locker rooms located at the address written above are open to the non-member residents of Bonita Springs on designated weekend hours beginning Saturday, June 8 through Sunday, August 11; and

WHEREAS, the City of Bonita Springs agrees to pay YMCA \$1,264.73 to assist in allowing YMCA to meet its operational needs and funding for additional lifeguards for this ten (10) week program.

NOW, THEREFORE, the parties mutually agree as follows:

1. The City of Bonita Springs and YMCA agree to the obligations set forth in the YMCA Swimming Pool Proposal, attached hereto as Exhibit A, as if the terms were fully set forth herein. Payment will be made within thirty (30) days of receipt of the YMCA's invoice after approval of this agreement.
2. Subject to the limitations as set out in Florida Statutes §768.28, each party will defend, hold harmless and indemnify the other party from and against any and all claims, actions, damages, liability, cost and expense, including those arising from bodily injury, death and/or property damage or any other lawful expense, including, but not limited to, attorney's fees and court costs, brought by third parties arising from the act or omission of the City or YMCA.
3. The YMCA Aquatic Director will have the authority to complete all duties contained within this Program, including hiring, training, paying and discharging any lifeguard.
4. **Entire Agreement:** This Agreement contains the entire understanding and agreement between the parties hereto and there are no promises, agreements, conditions, undertaking or warranties or representations oral or written, expressed or implied, between them except as set forth herein.
5. **Modifications:** No change or modification to this Agreement shall be made unless the same is in writing and signed by the parties hereto.

6. **Notices.** All notices required under the terms of this Agreement shall be sent to the City Manager on behalf of the City, and to the Chief Executive Officer & President of SKY Family YMCA, Inc., on behalf of the Bonita Springs YMCA, or to such other person as any Party may designate from time to time in writing.
7. **Prevailing Law:** The terms and conditions of this Agreement shall be construed under the laws of the State of Florida.
8. **Dispute Resolution and Attorney's Fees:** Venue for resolution of any disputes arising from this lease shall be in the Circuit Court of Lee County, Florida. The prevailing party shall be entitled to an award of attorney's fees up through and including any appeal.
9. **Effective Dates:** This Agreement shall be effective upon it being filed with the City Clerk.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed. This Agreement shall become effective and operative with the fixing of the last signature hereto.

CITY OF BONITA SPRINGS:

SKY FAMILY YMCA

Arleen Hunter, City Manager
City Manager

Joey Belanger
Lee County Regional Director

ATTEST:

City Clerk

Date filed: _____

APPROVED AS TO FORM: _____
City Attorney's Office

EXHIBIT A

YMCA Swimming Pool Usage Program

The YMCA's current non-member policy is that non-members are charged a daily rate of \$10 and non-members are limited to a maximum of three visits annually. Under this Agreement, any non-member use during the designated hours below shall not contribute to the annual non-member maximum of three visits. Additionally, during the designated hours below, the YMCA will charge a reduced non-member daily rate of \$4 per individual or \$12 for adults with up to 4 children. Each additional adult or child will be charged \$4.

Non-member usage shall be limited to aquatic facilities and locker rooms.

1. Proposed YMCA member/non-member/public

Saturday: 10 am - 4 pm

Sunday: 10 am - 2 pm

2. Proposed staffing:

- a) All staff will be employed by the YMCA.
- b) Two lifeguards will be on duty during the designated non-member pool hours.
- c) The YMCA will continue to pay one lifeguard hourly rate during weekend hours of operation.
- d) The City will pay the hourly rate for one additional lifeguard during non-member pool hours, as specified below.

3. Lifeguard Staffing expense:

Saturday, June 8 - August 10

1 Lifeguard for 10 am - 4:30 pm

6.5 hours x \$10.50 /hr. rate of pay

= \$68.25/day

x 10 weeks = \$682.50

+ \$64.84 (payroll taxes, workers comp, unemployment)

Saturday Total: \$747.34

Sunday June 9 – August 11

1 Lifeguard 10 am - 2:30 pm x 4.5 hours

4.5 hours x \$10.50 /hr. rate of pay

= \$47.25/day

x 10 weeks = \$472.50

+ \$44.89 (payroll taxes, workers comp, unemployment)

Sunday Total: \$517.39

Summer Total: \$1,264.73

4. Reporting

Within thirty (30) days of completion of this program, the YMCA will provide a report to the Director of Parks and Recreation, specifying the number of persons using the pool, with a breakdown per day of members and non-member/public using the pool during the program period. Names of the actual pool users should not be provided in the report, but maintaining a log of whether the people are city residents would be helpful in determining future years of support for this program.

AGENDA ITEM SUMMARY

REQUESTED MOTION: Presentation on emergency management and introduction of representatives from partner agencies.

MEETING DATE June 5, 2019

AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
X	PRESENTATIONS	STATUTE	Tony Backhurst Neighborhood Services Manager Carly Sanseverino Staff Attorney
	CONSENT	ORDINANCE	
	PUBLIC HEARING	ADMIN. CODE	
	MAYOR AND COUNCIL MEMBER ITEMS	OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		

BACKGROUND:

Homeland Security Presidential Directive-5 (HSPD5) tasked the federal government with establishing a single, comprehensive approach to domestic incident management, which is now known as the National Incident Management System (NIMS), under which all levels of government across the nation have the capability to work efficiently and effectively together. After the alarming impact of Hurricane Katrina in 2005, the adoption of NIMS became a condition precedent for the receipt of federal preparedness funds, including grants, contracts, and other activities.

An important component of NIMS is a scalable organizational structure known as the Incident Command Structure (ICS). Locally, utilizing this structure clarifies the chain of command and provides an orderly and systematic planning process in any circumstance. Nationally, the standardization of this structure fosters cooperation between diverse agencies, such as ourselves, Lee County, the State of Florida, and FEMA.

The City's revised Emergency Operations Plan (EOP) is intentionally designed to align with the guidelines promulgated by FEMA and implements the ICS structure during activation, as well as other NIMS principles. For example, City staff has achieved over 200 training certifications from the Emergency Management Institute this year. Proper training and the implementation of this EOP will improve the City's ability to communicate efficiently and effectively with Lee County in the event of an emergency, such as a hurricane.

With the commencement of hurricane season, staff would like to provide a brief presentation on what to expect during an emergency response and to introduce some of our partner agencies that are involved in the preparedness and response to emergency situations.

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO

IF YES, WHICH STRATEGIC OBJECTIVE? #6 Strengthen Council Relations

STAFF RECOMMENDATIONS: Receive presentation.

REVIEWED BY:

City Manager:

City Attorney:

City Clerk:

Department Director:

Approved by Carly Sanseverino
[Signature]

COUNCIL ACTION:

☐ **APPROVED**

☐ **DENIED**

☐ **DEFERRED**

☐ **OTHER**

AGENDA ITEM SUMMARY**REQUESTED MOTION:** Presentation by DPZ CoDesign on form-based code and downtown city owned property.**MEETING DATE:****AGENDA:****REQUIREMENT/PURPOSE: (Specify)****REQUESTOR OF INFORMATION:**

X	PRESENTATIONS		STATUTE
	CONSENT		ORDINANCE
	PUBLIC HEARING		ADMIN. CODE
	MAYOR AND COUNCIL MEMBER ITEMS	X	OTHER
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY ITEMS		
	CITY MANAGER ITEMS		

Arleen Hunter
City Manager

and
Carly Sanseverino
Staff Attorney

BACKGROUND:

On May 22, 2018, Council authorized the City to move forward with DPZ CoDesign to design and implement a form-based code for the Old 41 Overlay.

On September 25, 2018, DPZ conducted a public workshop to introduce the concept of a form-based code and to explain the potential benefits of implementing this type of code for future development within the overlay. The consultants also presented conceptual ideas for the City-owned properties located downtown. An additional workshop was held on October 17, 2018, regarding the form-based code and City-owned properties on Old 41.

On February 6, 2019, DPZ again presented to Council its concepts and findings after receiving feedback from a public workshop held on February 5, 2019. Council then directed staff to coordinate with DPZ to facilitate the remaining phases of the design and implementation process as expeditiously as reasonably possible.

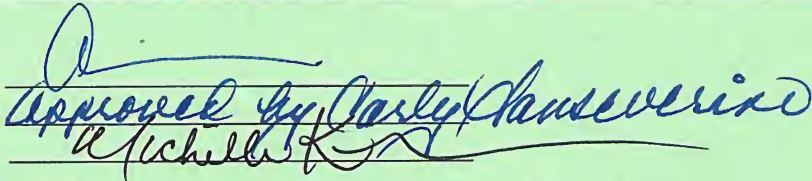
DPZ will be facilitating a public workshop on June 4, 2019 at 5:30 p.m. The workshop will be addressing the contents of the code including building form and intensity, building orientation, parking and access, metrics, architectural elements, signage, landscaping, planned developments, assemblages, special districts/overlays, and administrative procedures for nonconformities. It will also include draft concepts for city owned property. The presentation today before City Council will review these items and update the Council on public feedback received.

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES ☐ NO**IF YES, WHICH STRATEGIC OBJECTIVE?** #5 Community Aesthetics #8 Economic Development**STAFF RECOMMENDATIONS:** Receive presentation.**REVIEWED BY:****City Manager:****City Attorney:****City Clerk:****Department Director:**

[Signature]
Approved by Carly Sanseverino
[Signature]

COUNCIL ACTION:

☐ **APPROVED**
☐ **DENIED**
☐ **DEFERRED**
☐ **OTHER**

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-164
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Review resolution of the Southwest Florida Mayors supporting funding for the restoration of the Florida Everglades.			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
<input type="checkbox"/>	PRESENTATIONS	<input type="checkbox"/>	Peter Simmons Mayor
<input type="checkbox"/>	CONSENT	<input type="checkbox"/>	
<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	MAYOR AND COUNCIL MEMBER ITEMS	<input type="checkbox"/>	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER'S REPORTS	<input type="checkbox"/>	
<input type="checkbox"/>	CITY ATTORNEY ITEMS	<input type="checkbox"/>	
<input type="checkbox"/>	CITY MANAGER ITEMS	<input type="checkbox"/>	
BACKGROUND:			
<p>The United States Conference of Mayors' 87th Annual Meeting will take place June 28-July 1, 2019 in Honolulu, HI and I will be in attendance at the conference. At my direction, the Southwest Florida Mayors have submitted a proposed resolution for potential adoption at the Assembly during the conference. The deadline for submitting the draft resolution was May 29, 2019. As City Council did not meet prior to the deadline, I have requested staff submit the proposed resolution to ensure compliance with the required deadline. Attached, please find the resolution submitted with the Mayors of the City of Cape Coral, Village of Estero, City of Fort Myers, Town of Fort Myers Beach and City of Sanibel.</p> <p>Attachment: A Resolution of the Southwest Florida Mayors supporting funding for the restoration of the Florida Everglades.</p>			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES NO IF YES, WHICH STRATEGIC OBJECTIVE? # 4 Environmental Protection			
STAFF RECOMMENDATIONS: Council's pleasure			
REVIEWED BY: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 20%;"> City Manager: City Attorney: City Clerk: Department Director: </div> <div style="width: 80%;">  </div> </div>			
COUNCIL ACTION:			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER			



RESOLUTION OF THE SOUTHWEST FLORIDA MAYORS

A RESOLUTION OF THE SOUTHWEST FLORIDA MAYORS OF BONITA SPRINGS, CAPE CORAL, ESTERO, FORT MYERS, FORT MYERS BEACH, AND SANIBEL, SUPPORTING FUNDING FOR THE RESTORATION OF THE FLORIDA EVERGLADES

WHEREAS, President Theodore “Teddy” Roosevelt established 5 national parks, 51 wildlife refuges, 18 national monuments and 150 national forests, which environmental conservation efforts were atypical of his Republican contemporaries and resulted in the moniker “Roosevelt Republican” to describe his unique political tenets; and

WHEREAS, the term Roosevelt Republican has largely laid dormant until being used to describe the leadership of Florida Governor Ronald “Ron” DeSantis and the commitment of President Donald J. Trump to protect water quality and restore America’s Everglades; and

WHEREAS, the America’s Everglades is recognized worldwide as a unique and invaluable landscape, with a unique and vast network of natural resources that comprises the largest subtropical wilderness in the United States ...; and

WHEREAS, The Comprehensive Everglades Restoration Plan (CERP) is described as the world’s largest ecosystem restoration effort and covers 16 counties and an over 18,000 square mile area in south Florida, of which the intent is to capture fresh water that now flows unused to the ocean and the gulf and redirect it to areas that need it most, with the majority of the water devoted to environmental restoration, thereby reviving a dying ecosystem. and

WHEREAS, when CERP was originally enacted by the U.S. Congress in 2000, it was estimated that CERP would take approximately 30 years to complete; and

WHEREAS, the total cost of CERP is estimated to be in the range of \$16-\$20 billion and annual funding has been significantly short of the \$200 million per year minimum from U.S. Congress that is required to keep it on a competent track for completion; and

BE IT FURTHER RESOLVED the U.S. Conference of Mayors, including the Mayors of the Southwest Florida Cities of Bonita Springs, Cape Coral, Estero, Fort Myers, Fort Myers Beach, and Sanibel, supports funding the restoration of CERP and America's Everglades in the amount of \$200 million in annual funding from U.S. Congress to address concerns relating to pollution, wildlife, impacts to the environment and humans, water movement and storage, and water reuse.

***Mayor Peter Simmons
City of Bonita Springs***

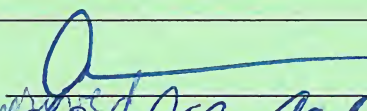
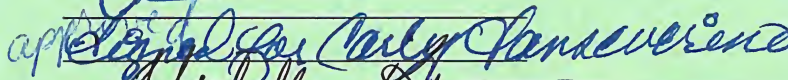
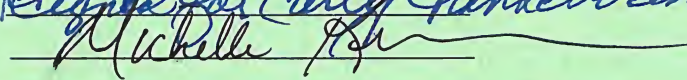
***Mayor Joe Coviello
City of Cape Coral***

***Mayor William F. Ribble
Village of Estero***

***Mayor Randal P. Henderson, Jr.
City of Fort Myers***

***Mayor Anita Cereceda
Town of Fort Myers Beach***

***Mayor Kevin Ruane
City of Sanibel***

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	19-06-158
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Adopt Resolution approving a budget transfer from the Contingency Account to fund a study to identify traffic calming solutions on Pennsylvania Avenue.			
MEETING DATE: June 5, 2019			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
	PRESENTATIONS	STATUTE	Mike Gibson, Councilmember District 5
X	CONSENT	ORDINANCE	
	PUBLIC HEARING	ADMIN. CODE	
	APPEALS	OTHER	
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		
BACKGROUND: <p>There have been continuous traffic incidents along the Pennsylvania Avenue corridor. I have received multiple concerns regarding vehicular traffic speeding down the roadway. Pennsylvania Avenue is an important east/west connection for vehicles, bicyclists, and pedestrians. It is one of the oldest streets in our community, and has multiple single family homes that directly connect to the roadway.</p> <p>Given the aforementioned context, I would like to recommend Council retain a traffic engineer from the City's Continuing Services Agreements, to identify traffic calming solutions to reduce speeds and create a safer corridor.</p> <p>I am requesting \$45,000 from <i>contingency funds</i> be allocated for this from this fiscal year's budget.</p>			
Attachments: Resolution		Funding: Contingency Funds	
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES <input type="checkbox"/> NO			
IF YES, WHICH STRATEGIC OBJECTIVE? #1 Transportation			
STAFF RECOMMENDATIONS: Approve request for \$45,000 from contingency funds from this fiscal year's budget to retain a traffic engineer to identify traffic calming solutions along Pennsylvania Avenue.			
REVIEWED BY:			
City Manager: 			
City Attorney: 			
City Clerk: 			
Department Director: _____			
COUNCIL ACTION:			
<input type="checkbox"/> APPROVED			
<input type="checkbox"/> DENIED			
<input type="checkbox"/> DEFERRED			
<input type="checkbox"/> OTHER			

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 19 – ____

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A 2019 FISCAL YEAR GENERAL FUND BUDGET TRANSFER FROM THE CONTINGENCY ACCOUNT TO FUND A TRAFFIC CALMING STUDY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2018, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2019; and

WHEREAS, Section 46(d) of the City Charter allows the transfer for all or part of any unrestricted appropriation from one department to another; and

WHEREAS, funding is needed for a traffic engineering study to identify traffic calming techniques along the Pennsylvania Avenue corridor to improve public safety.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida, that:

- 1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.
- 2.The Bonita Springs' City Council authorizes the following budget transfer to increase (decrease) budgeted amounts for the indicated accounts within the General Fund:

Account Description	Increase (Decrease)
General Fund:	
Traffic Engineering	45,000
Contingency	(45,000)

- 3.This Resolution shall become effective upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of June, 2019.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____

City Attorney

Vote:

Carr _____
DeWitt _____
Forbes _____
Gibson _____

O'Flinn _____
Quaremba _____
Simmons _____

Date filed with City Clerk: _____

AGENDA ITEM SUMMARY

REQUESTED MOTION: First Reading of Temporary Uses Code Revision.

MEETING DATE: June 5, 2019

AGENDA:		REQUIREMENT/PURPOSE: (Specify)		REQUESTOR OF INFORMATION:
<input type="checkbox"/>	PRESENTATIONS	<input type="checkbox"/>	STATUTE	Derek Rooney City Attorney and John Dulmer Community Development
<input type="checkbox"/>	CONSENT	<input checked="" type="checkbox"/>	ORDINANCE	
<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>	ADMIN. CODE	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER ITEMS	<input type="checkbox"/>	OTHER	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER'S REPORTS	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	CITY ATTORNEY ITEMS	<input type="checkbox"/>		
<input type="checkbox"/>	CITY MANAGER ITEMS	<input type="checkbox"/>		

BACKGROUND:

Temporary uses include tent sales, sidewalk sales, and other related limited time uses that occur on existing and undeveloped properties within the City. Allowing such uses outside of areas specifically designed to accommodate such uses (such as fairgrounds) has the potential for negative impacts on surrounding uses and typically lacks adequate infrastructure and facilities. To address these concerns and protect the public safety and welfare of the residents of and visitors to Bonita Springs certain amendments are being proposed to the City's temporary uses regulations.

The primary changes include both time and locational limitations on temporary uses based on the intensity of the use as well as providing for such considerations as parking, traffic safety, and disaster recovery.

IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO
IF YES, WHICH STRATEGIC OBJECTIVE?

STAFF RECOMMENDATIONS: Consider proposed amendments and move to second reading.

REVIEWED BY:

City Manager:

City Attorney:

City Clerk:

Department Director:

Q
approved by Derek Rooney
Michelle Kuma

COUNCIL ACTION:

☐ APPROVED
☐ DENIED
☐ DEFERRED
☐ OTHER

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 19-__

AN ORDINANCE REPEALING AND REPLACING BONITA SPRINGS CODE SECTIONS 4-2124 THROUGH 4-2132, TEMPORARY USES; PROVIDE FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, City Council ("the Council") is the governing body in and for the City of Bonita Springs, a municipal corporation in the State of Florida; and

WHEREAS Chapter 166, Florida Statutes, authorizes City Council, acting for the City of Bonita Springs, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violation of Ordinances in accordance with law; and

WHEREAS, the City of Bonita Springs has determined that development patterns have evolved since incorporation and as such, the ability to ensure compatibility of temporary uses has changed; and

WHEREAS, the City of Bonita Springs intends to modify the permitting process for temporary uses to allow for the evaluation of such proposed uses and to address the existing and anticipated development patterns within the City; and

WHEREAS, the City Council finds it is in the public interest to amend its land development regulations to ensure the public safety and welfare of its residents through consistent regulations between permanent and temporary uses on developed and undeveloped properties.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: CODE AMENDMENT

The City Council hereby amends the Bonita Springs City Code; Part III, Land Development Code, Chapter 4, Zoning, Article VI Supplemental District Regulations, Division 37, Subordinate and Temporary Uses, Subdivision II, Temporary Uses, as follows with underlined portions representing additions and ~~strikethroughs~~ representing deletions:

~~Sec. 4-2124. Generally.~~

~~(a) Purpose. The purpose of this subdivision is to specify regulations applicable to certain temporary uses which, because of their impact on surrounding land uses, require a temporary use permit.~~

~~(b) Permit required. No temporary use shall be established until a temporary use permit has been obtained from the department. A special event permit or a mobile food vendor permit may also be required in addition to the temporary use permit.~~

~~(c) Lighting. No permanent or temporary lighting shall be installed without an electrical permit and inspection.~~

~~(d) Time limit.~~

~~(1) All uses shall be confined to the dates specified by the director, on the temporary use permit; provided, however, that:~~

~~a. Except as provided in sections 4-2126 through 4-2130, the director may not authorize a temporary use for the more 30 days; and~~

~~b. If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use be abated within 30 days from the date of issuance.~~

~~(2) A temporary use permit may not be renewed or reissued to the same applicant or on the same premises for a similar use more than four times per year, except for community gardens as described in section 4-1435, unless otherwise approved pursuant to a special event permit or a mobile food vendor permit.~~

~~(3) Permits for mobile food vendors will be limited in time by section 4-2155, permit required and permits for sales of fireworks pursuant to Ordinance No. 06-14, as it may be amended.~~

~~(e) Hours of operation. Hours of operation shall be confined to those specified in the permit.~~

~~(f) Cleanup. The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within 48 hours after termination of the use. A signed contract with a disposal firm shall be required as a part of the application for a temporary use permit to ensure that the premises will be cleared of all debris during and after the event, as well as proof of adequate insurance naming the city as additional insured.~~

~~(g) Traffic control. Traffic control as may be required by the county sheriff's department and public works shall be arranged and paid for by the applicant.~~

~~(h) Damage to public right-of-way. A right-of-way permit may be required for any improvements in the right of way or access connection, with proof of adequate insurance naming the city as additional insured or a cash bond based on public works~~

~~requirements shall be posted with city to ensure the repair of any damage resulting to any public right of way as a result of the event.~~

~~Sec. 4-2125. Carnivals, fairs, circuses and amusement devices.~~

~~(a) Location of amusement devices and other structures.~~

~~(1) Setback from street for amusement devices. No use consisting of amusement devices shall be located closer to a street right of way line or street easement than 25 feet, or a distance equal to the height of the amusement device, whichever is greater.~~

~~(2) Setback from bodies of water for amusement devices. No amusement device shall be located closer to a bay, canal or other body of water than 50 feet from the Gulf of Mexico or 25 feet from any other body of water, or a distance equal to the height of the amusement device, whichever is greater.~~

~~(3) Setbacks from side and rear property lines for amusement devices. All amusement devices shall be set back from side and rear property lines a minimum distance equal to the greater of:~~

- ~~a. The setbacks established for the zoning district in which located;~~
- ~~b. The height of the device; or~~
- ~~c. A minimum of 100 feet from any property zoned RS, TF, TFC, RM, MH, RPD or MHPD, or any existing residential use.~~

~~(4) Setbacks from habitable structures for amusement devices. All amusement devices shall be set back from habitable structures a distance which is at least equal to the height of the device.~~

~~(5) Placement of amusement devices in easement. Nothing contained in this chapter shall be construed as permitting placement of any amusement device within a utility easement or other easement prohibiting such placement.~~

~~(6) General setback requirements. Other structures associated with carnivals, fairs or circuses shall be set back in accordance with the setbacks established for each individual zoning district.~~

~~(b) Off street parking. Refer to section 4-1732(4)r for off street parking requirements.~~

~~(c) Hours of operation. The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., unless otherwise extended by the director in writing.~~

~~(d) Special event permit. In addition to a temporary use permit, a carnival, fair, circus or amusement device shall be subject to the provisions of the special event permit, as applicable.~~

~~Sec. 4-2126. Christmas tree sales.~~

~~(a) Christmas tree sales may be permitted in any agricultural, commercial or industrial district, provided that:~~

~~(1) No parking lot required for another use shall be used for display of trees; and~~

~~(2) Temporary off street parking for at least five vehicles shall be provided utilizing an existing or approved parking lot entrance or driveway.~~

~~(b) The maximum length of time for display and open lot sales shall be 45 days.~~

~~Sec. 4-2127. Temporary contractor's office and equipment storage shed.~~

~~A contractor's office or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active building permit or development order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within 30 days of the date of final inspection for the project.~~

~~Sec. 4-2128. Horse shows and exhibitions.~~

~~(a) A horse show or exhibition may be permitted at a boarding or commercial stable for special occasions, including, but not limited to, dressage shows, exhibitions and contests.~~

~~(b) A temporary use permit shall be required for those horse shows and exhibitions, at commercial stables, where more than 15 horses (outside entrants) participate at any one time.~~

~~(c) The maximum length of time for such use shall not exceed 15 days.~~

~~Sec. 4-2129. Temporary use of mobile home.~~

~~(a) Rehabilitation or construction of residence following disaster.~~

~~(1) If fire or other emergency as defined in F.S. § 252.34 renders a single-family residence unfit for human habitation, the temporary use of a mobile home, travel trailer or park trailer located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.~~

~~(2) The maximum duration of the use is 18 months or 540 days after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, then the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit. Additional extensions may be granted only by the city council approval.~~

~~(b) Rehabilitation or construction of a damaged business, commercial or industrial uses following disaster.~~

~~(1) Business, commercial or industrial uses, damaged by a major or catastrophic disaster necessary for the public health and safety or that will aid in restoring the community's economic base, may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure is rebuilt or replaced according to applicable development or redevelopment regulations.~~

~~(2) The maximum duration of the temporary use is nine months or 27 days after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, then the maximum duration of the use is six months. The~~

~~director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit. Additional extensions may be granted only by city council approval.~~

~~(c) Construction of residence in AG district.~~

~~(1) A temporary mobile home may be permitted to be emplaced on a lot during construction of a conventional single family dwelling in the agricultural district.~~

~~(2) The mobile home must be removed from the property within ten days of the issuance of the certificate of occupancy, or expiration of the building permit for the conventional dwelling, whichever occurs first.~~

~~(d) Conditions for use.~~

~~(1) Required water and sanitary facilities must be provided.~~

~~(2) The mobile home, travel trailer or park trailer must be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, commercial or industrial use or upon expiration of the temporary use permit, whichever occurs first.~~

~~(3) Placement or setting of the mobile home, travel trailer or park trailer must comply with chapter 6, article IV, pertaining to floodplain management.~~

~~Sec. 4-2130. Temporary telephone distribution equipment.~~

~~Telephone distribution equipment may be granted a temporary permit during planning and construction of permanent facilities, provided that:~~

~~(1) The equipment is less than six feet in height and 300 cubic feet in volume; and~~

~~(2) The maximum length of the use shall be six months, but the director may extend the permit for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company. Application for an extension shall be made at least 15 days prior to expiration of the original permit.~~

~~Sec. 4-2131. Ancillary temporary uses in parking lots.~~

~~(a) The following ancillary temporary uses may be permitted in parking lots upon application and issuance of a temporary use permit (see section 4-199):~~

~~(1) Seasonal promotions.~~

~~(2) Sidewalk or parking lot sales.~~

~~(3) Fairs and carnivals (see section 4-2125).~~

~~(4) Tent sales.~~

~~(5) Flea markets by nonprofit organizations.~~

~~(b) In approving a temporary permit, the director shall require that the area of the lot to be used is clearly defined and that the use will not obstruct pedestrian and vehicular movements to portions of the lot not so used.~~

~~(c) Some of these uses may also require other permits, including a special events permit, fireworks sales, etc.~~

~~Sec. 4-2132. Temporary parking lots.~~

~~Temporary parking lots may be permitted in commercial and industrial zoning districts, provided that they are in compliance with section 4-1732.~~

Sec. 4-2124. - Temporary uses.

(a) General. Certain uses are temporary in character. They vary in type and degree, as well as the length of time involved. The purpose of this section is to specify regulations applicable to certain temporary uses which, because of their impact on public infrastructure, services, and surrounding land uses, require a temporary use permit. Unless otherwise specified in these zoning regulations, the following regulations shall govern temporary uses. No temporary use identified herein shall be exempt from the permit requirement except in accordance with this section.

(1) Unless approved by the zoning official, a temporary use cannot occupy on-site parking required by these land development regulations to accommodate the ordinary parking requirements of the existing structures and uses on the property.

(2) For the purposes of this section the following terms shall have the associated meanings:

Footprint shall mean the area impacted by the temporary use as measured from the outside line of all the area devoted to the use, or the drip line of a tent or cover under which the use is conducted, whichever is greater.

Sale(s) shall be considered to include any form of commercial transaction, including fund raising activities by charitable and nonprofit organizations or school groups.

(3) Temporary use permits shall only be issued within the zoning districts for which the use is allowed by right or for those uses which have been permitted by special exception. For example, temporary use permits for commercial, sales, or services uses shall not be issued in residential districts.

(4) Temporary use permits are restricted to those activities and locations listed on the application and all temporary uses shall be confined to the dates and times specified in the permit. A separate temporary use permit is required for each temporary use. Hours of operation of temporary uses subject to this section shall be limited to 8:00 a.m. to 9:00 p.m., Sunday through Thursday, and 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

(5) No permanent or temporary lighting may be installed without an electrical permit and inspection. Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties.

(6) Any temporary structures or exhibits to be constructed must be permitted in conjunction with the temporary use permit and subject to all other permit and inspection requirements of applicable county codes and state law.

- (7) No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor temporary use shall be closer than one hundred (100) feet from any residentially zoned property.
- (8) One (1) temporary sign advertising the event may be erected on the property in compliance with Chapter 6 of the Bonita Springs Land Development Code.
- (9) Traffic control may be required by the City of Bonita Springs Public Works, Lee County DOT or law enforcement and must be arranged and paid for by the applicant.
- (10) The applicant may be required to obtain approval from the Bonita Springs Fire and Rescue District and/or Lee County Emergency Medical Services (Fire/EMS) and employ, at the applicant's cost, any mitigation measures required.
- (11) Before any temporary use permit is issued for motor vehicle or recreational vehicle sales, the applicant must furnish the city with a copy of a current motor vehicle dealer or recreational dealer's license as required by F.S. ch. 320.
- (12) Any Type 1 or Type 2 temporary use that will, in the determination of the zoning official, require more parking spaces than allotted on the subject property, will be required to obtain a special exception.
- (13) The site of the temporary use must be cleared of all debris at the end of the use, and all temporary structures must be removed no later than forty-eight (48) hours after the termination of the use. A signed contract with the county's garbage collection franchisee, or a notarized letter that the property owner/applicant is responsible for the clean-up of the site, may be required as part of the application for the temporary use permit.
- (b) *Applicability.* Any person or entity that desires to conduct any temporary use described in this section or determined by the zoning official to be similar in nature to those described herein, unless specifically exempted herein, shall be required to submit an application for a permit, and obtain the permit before conducting the use. A permit issued to a corporation, organization, or entity shall suffice for the persons engaging in the use on the site on behalf of the corporation, organization, or entity. The owner(s) of the property upon which the temporary use is to be conducted shall be bound by the terms of the permit, and shall signify consent to the permit by signing the permit application before it is issued.
- (1) Examples of temporary uses regulated by this section may include, but are not limited to, the following:

 - a. Outdoor sales, parking lot sales or tent sales of merchandise, products, services or other commercial activities.
 - b. Event uses, such as fairs, carnivals, circuses, and expositions or fair associations chartered in accordance with F.S. ch. 616.
 - c. Fund raising events conducted offsite by charitable organizations, nonprofit corporations, or school groups, as well as promotions, sales and other

activities by charitable organizations, nonprofit corporations, or school groups.

d. Seasonal and holiday related promotions and sales, including Christmas tree sales, pumpkin sales, fireworks sales, and the like.

e. Temporary religious or revival activities.

f. Neighborhood and community-wide yard sales and garage sales.

g. Any other temporary use similar in nature to the ones listed above, as determined by the zoning official.

(2) Exemptions: The permit requirement of this section shall not apply to the following types of uses, provided that such uses shall be required to meet all other requirements of law, including but not limited to obtaining building or sign permits for temporary structures or signage:

a. Yard or garage sales conducted on residential parcels; provided that the use does not exceed any of the requirements of a Type 1 permit nor exceed two (2) calendar days in length.

b. Grand opening sales by resident merchants connected with the grand opening of a permanent use at the premises, including outside food and beverage vending; provided such use does not exceed three (3) consecutive calendar days.

c. Temporary outdoor storage in residential districts, incidental to and exclusively in association with the construction of a principal structure and only while a valid building permit is in effect.

d. Such temporary uses which are extensions of a principal permitted use on-site and which are to be conducted on the premises but outside the principal structure in which those uses are permitted to occur; provided such use does not exceed five (5) consecutive calendar days. Examples of which include, but are not limited to:

1. Religious or revival activities conducted on-site but outside the structures of the place of worship.

2. Sidewalk sales, clearance, or tent sales conducted on-site by a resident merchant but outside the principle permitted structures for such use.

3. School events conducted on-site but outside the principle permitted structures for such use.

(c) Type 1 permit.

1 A Type 1 permit shall be required for any temporary use occupying a footprint up to one thousand five hundred (1,500) square feet.

2 No property shall have, or be a site of, more than six (6) Type 1 temporary uses in a calendar year. No Type 1 temporary use shall continue for more than five

(5) consecutive calendar days; however, such uses may run concurrently (i.e. up to thirty (30) days) without incurring additional permit fees.

(d) Type 2 permits.

(1) A Type 2 permit shall be required for any temporary use occupying a footprint greater than one thousand five hundred (1,500) square feet.

(2) No property shall have, or be a site of, more than three (3) Type 2 temporary uses in a calendar year.

(3) No Type 2 temporary use shall continue for more than ten (10) consecutive calendar days; however, such uses may run concurrently (i.e. up to twenty (20) days) without incurring additional permit fees.

(4) The final ten (10) day permits shall not run concurrently and must be spaced at least five (5) months apart.

(e) Security Required. In addition to applicable permit fees, any Type 2 temporary use permit shall require the applicant to provide security in the amount of fifty thousand dollars (\$50,000.00), in the form of a surety bond, issued by a surety authorized to do business in the State of Florida, or an irrevocable letter of credit issued by a Florida financial institution, or in the form of a cash security. The security shall be in favor of the county, and benefit any person who shall suffer any loss that is provided for and recoverable under this subsection. The security shall be released ninety (90) calendar days following the conclusion of the temporary use upon the submittal of an affidavit from the applicant to the county, and the acceptance of said affidavit by the county, that all conditions of the security have been met. The conditions of such security shall be that:

(1) The applicant shall comply fully with all provisions of the Bonita Springs Code and all other applicable county, state, or federal laws regarding the temporary use sought; and

(2) The applicant has, to the city's satisfaction, mitigated any damages or impacts caused or created by the temporary use.

(f) Application procedure and review. All applications for a temporary use permit shall be submitted to the zoning official a minimum of fifteen (15) working days prior to the proposed use. The zoning official shall grant or deny a temporary use permit or may grant a temporary use permit subject to suitable conditions, safeguards, and stipulations within seven (7) working days. If denied, the zoning official shall state the reasons in writing to the applicant.

(g) Application process and fees.

(1) Application. The applicant shall ensure that the application is accurate and complete. Any intentional misrepresentations on the application by the applicant shall be grounds for denying the permit. The application shall be made on a form acceptable to the zoning official and shall include the following:

a. The name, address and telephone number of the applicant; and

- b. The address and legal description of the property where the temporary use will be held. If the property is not owned by the applicant, the name, address and telephone number of the owner(s) of the property and notarized authorization of all property owner(s) of record or their authorized agents, for use of the property; and
- c. The date(s) of the event and hours of operation; and
- d. The nature of the existing uses on the property along with the proposed temporary use; and
- e. Required parking for existing use(s) as well as anticipated parking needs, including overflow; and
- f. The business tax receipt (BTR) of the applicant, if applicable; and
- g. A site plan, drawn to scale, indicating the following:
 - 1. Vehicular and pedestrian access onto the property; and
 - 2. Location and use of any existing structures on the property; and
 - 3. Location of any existing and proposed sanitary facilities; and
 - 4. Location and amount of current and anticipated parking areas, including overflow.
- h. For all Type 2 permits, the following additional application requirements shall be provided:
 - 1. A letter from the Lee County Sheriff setting forth the Sheriff's determination whether any additional security or police service is necessary and the arrangement that has been made to accommodate that need; and
 - 2. A letter from the Bonita Springs Fire and Rescue District setting forth a determination on whether any additional fire or rescue service is necessary and whether an arrangement has been made to accommodate that need; and
 - 3. A letter from the Bonita Springs Public Works Department or Lee County Department of Transportation setting forth a determination on whether any additional roadway plans are necessary and whether an arrangement has been made to accommodate that need;
 - a. If a road closure is less than 24-hour period, the roadway level-of-service impact on the roadway cannot be quantified due to these special events. However, the event coordinator should submit the proposed maintenance of traffic plan at least thirty (30) days prior to the event so that public works staff can visit the subject location and make suggestions before issuing the Public Works Department approval. Once public works department issues the approval, it is responsibility of the event coordinator to work with the fire/EMS and

sheriff's office on the needed support from those departments to safely execute the special event.

- b. If the special event needs a road closure for more than 24-hours (other than for an emergency event), applicant needs to attach a maintenance of traffic (MOT) plan (must be signed by a licensed engineer in the State of Florida) with the permit application for the review by the public works department at least forty-five (45) days prior to the event. This will allow the public works department to properly review the application, work closely with the appropriate agencies and issue a public service announcement (PSA) about the road closure.

(2) In reviewing an application the zoning official shall take the following factors into account:

- a. Ensure that the proposed temporary use complies with all the requirements of this section; and
- b. Review the compatibility of any proposed use with surrounding uses, ensuring that any anticipated nuisances or incompatible features involved are suitably separated from adjacent uses; and
- c. Ensure that the proposed temporary use will not create any vehicular parking or circulation problems, or will result in excessive vehicular traffic being generated or diverted onto residential streets.

(h) Temporary contractor's office and equipment storage shed.

- A. contractor's office or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active building permit or development order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within 30 days of the date of final inspection for the project.

(i) Horse shows and exhibitions.

- a A horse show or exhibition may be permitted at a boarding or commercial stable for special occasions, including, but not limited to, dressage shows, exhibitions and contests.
- b A temporary use permit shall be required for those horse shows and exhibitions, at commercial stables, where more than 15 horses (outside entrants) participate at any one time.
- c The maximum length of time for such use shall not exceed 15 days.

(j) Temporary use of mobile home.

- a Rehabilitation or construction of residence following disaster.

- 1 If fire or other emergency as defined in F.S. § 252.34 renders a single-family residence unfit for human habitation, the temporary use of a mobile home, travel trailer or park-trailer located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.
 - 2 The maximum duration of the use is 18 months or 540 days after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, then the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit. Additional extensions may be granted only by the city council approval.
- b *Rehabilitation or construction of a damaged business, commercial or industrial uses following disaster.*
- 1 Business, commercial or industrial uses, damaged by a major or catastrophic disaster necessary for the public health and safety or that will aid in restoring the community's economic base, may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure is rebuilt or replaced according to applicable development or redevelopment regulations.
 - 2 The maximum duration of the temporary use is nine months or 27 days after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, then the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit. Additional extensions may be granted only by city council approval.
- c *Construction of residence in AG district.*
- 1 A temporary mobile home may be permitted to be emplaced on a lot during construction of a conventional single-family dwelling in the agricultural district.
 - 2 The mobile home must be removed from the property within ten days of the issuance of the certificate of occupancy, or expiration of the building permit for the conventional dwelling, whichever occurs first.
- d *Conditions for use.*
- 1 Required water and sanitary facilities must be provided.
 - 2 The mobile home, travel trailer or park trailer must be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, commercial or industrial use or upon expiration of the temporary use permit, whichever occurs first.

- 3 Placement or setting of the mobile home, travel trailer or park trailer must comply with chapter 6, article IV, pertaining to floodplain management.

(k) Temporary telephone distribution equipment.

Telephone distribution equipment may be granted a temporary permit during planning and construction of permanent facilities, provided that:

- 1 The equipment is less than six feet in height and 300 cubic feet in volume; and
- 2 The maximum length of the use shall be six months, but the director may extend the permit for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company. Application for an extension shall be made at least 15 days prior to expiration of the original permit.

(l) Temporary parking lots.

Temporary parking lots may be permitted in commercial and industrial zoning districts, provided that they are in compliance with section 4-1732.

SECTION TWO: SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the decision of such Court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would be adopted had such unconstitutional provision not been included therein.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs ordinance or Florida Statutes, the more restrictive shall apply.

SECTION FOUR: SCRIVENER'S ERRORS

It is the intention of the City Council that the provisions of this ordinance may be amended to correct typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk.

SECTION FIVE: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this ____ day of July, 2019.

AUTHENTICATION:

_____	_____
Mayor	City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	O'Flinn
DeWitt	Quaremba
Forbes	Simmons
Gibson	

Date filed with City Clerk: _____

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, MAY 15, 2019
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER CALL TO ORDER:

Mayor Peter Simmons called the meeting to order at 9:00 A.M.

II. INVOCATION:

Pastor Ann Grandell, with Love Inc., furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Simmons, Council Member Laura Carr led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Simmons and all Council Members were in attendance.

V. PUBLIC COMMENT ON AGENDA ITEMS

9:05:36 am Kathy McGrath commented on Consent Agenda items, D. and G., voicing her support for the STA with Hole Montes for the road crossing at Old 41 and Bonita Drive for school children.

9:06:29 am Bonnie Wittimore addressed items D. and E., stating she supports the agreement with CGT Kayaks and addressing the process for RFP 19-01 for the Historic Village.

9:08:26 am John Paeno, with CGT Kayaks, echoed comments made by Ms. Wittimore. He also thanked Council for considering his agreement.

9:09:35 AM Marian Wescott, a resident of Imperial Harbor stated she was here to petition City Council for help with extra maintenance to Spring Creek. She has flow, but very little, almost blocked. She also submitted petition into record (on file with city clerk) signed by a number of residents. Mayor Simmons stated he and Assistant City Manager Matt Feeney will schedule a time to go out.

VI. CONSENT AGENDA: (NOTE: ITEMS ON THE CONSENT AGENDA WILL BE CONSIDERED AS ONE UNLESS A SPECIFIC ITEM IS REMOVED BY A COUNCIL MEMBER FOR SEPARATE DISCUSSION.)

Council Member Peter O'Flinn motioned approval of the Consent Agenda; Council Member Fred Forbes seconded. Council Member Amy Quaremba requested item D. be pulled.

ADDENDUM: APPROVE MODIFICATION #Z0505-7 TO THE SUBGRANT AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR RECEIPT OF FEMA AND STATE FUNDING FOR HURRICANE IRMA DAMAGES. (GREENSHEET 19-05-144)

ADDENDUM: APPROVE BUDGET RESOLUTION TO ESTABLISH BUDGETS FOR HURRICANE IRMA FUNDING. (GREENSHEET NO. 19-05-145) **ADOPTED RESOLUTION NO. 19-33**

- A. APPROVE A RESOLUTION APPOINTING TWO (2) MEMBERS TO THE CITY OF BONITA SPRINGS BICYCLE PEDESTRIAN ADVISORY COMMITTEE. (GREENSHEET NO. 19-05-142) **ADOPTED RESOLUTION NO. 19-34**
- B. APPROVE BUDGET RESOLUTION TO ESTABLISH BUDGETS FOR HURRICANE IRMA FUNDING. (GREENSHEET NO. 19-05-133) **ADOPTED RESOLUTION NO. 19-35**
- C. APPROVE RESOLUTION ADOPTING THE PARKS & RECREATION FEE SCHEDULE FOR USE OF CITY FACILITIES. (GREENSHEET NO. 19-05-137) **ADOPTED RESOLUTION NO. 19-36**
- D. APPROVE THE FIRST AMENDMENT TO THE SECOND CONCESSIONAIRE AGREEMENT WITH CGT KAYAKS, INC., TO EXTEND THE TERM OF THE AGREEMENT FOR AN ADDITIONAL THREE YEARS. (GREENSHEET NO. 19-05-134)

9:13:43 AM Council Member Quaremba pulled item D., stated that although she is in favor of this, but feels there needs to be a clarification made publically. She is concerned about a process that seems to be implied here, which it really isn't, as it's just the wording. City Manager Arleen Hunter explained that in the Greensheet the wording of the clause to remove the item continuing the RFP giving a year notice. To clarify, that removes the requirement of the City to provide a year notice. It is the pleasure of City Council to go out to RFP at any point in the future – it's the requirement of the notification a year in advance. Council Member Quaremba explained that, typically, we go to RFP at the end of the conclusion of the contract, which, in her view, is not clear from the way the Greensheet was worded.

Council Member Quaremba motioned to approve; Council Member O'Flinn seconded; and the motion carried unanimously.

- E. ADOPT RESOLUTION APPROVING THE RANKING OF PROPOSALS SUBMITTED IN RESPONSE TO RFP 19-01 PROFESSIONAL CONCEPTUAL STUDY FOR A HISTORIC VILLAGE DEVELOPMENT AND AUTHORIZING STAFF TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM, PARKER MUDGETT SMITH ARCHITECTS, INC. (GREENSHEET NO. 19-5-135) **ADOPTED RESOLUTION NO. 19-37**
- F. DIRECT STAFF TO APPLY FOR THE FLORIDA DEPARTMENT OF STATE DIVISION OF HISTORICAL RESOURCES SMALL MATCHING GRANT FOR A PLANNING STUDY FOR THE HISTORIC VILLAGE PROJECT. (GREENSHEET NO. 19-05-138)
- G. AUTHORIZE MAYOR TO SIGN RESOLUTION APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 4 WITH HOLE MONTES, INC., FOR THE OLD 41 ROAD CROSSING AND THE BONITA DRIVE MULTI-USE PATHWAY FROM OLD 41 ROAD TO STREETSBORO LANE IN THE NTE AMOUNT OF \$146,400.00 (GREENSHEET NO. 19-05-132) **ADOPTED RESOLUTION NO. 19-38**
- H. APPROVE RESOLUTION AUTHORIZING THE USE OF THE CONTINGENCY ACCOUNT FUNDS AND THE PURCHASE OF INFORMATION TECHNOLOGY EQUIPMENT. (GREENSHEET NO. 19-05-142) **ADOPTED RESOLUTION NO. 19-39**
- I. AUTHORIZE THE MAYOR TO SIGN A PROPOSAL FROM WALDROP ENGINEERING, FOR THE CITY OF BONITA SPRINGS COMMUNITY PARK BASEBALL COMPLEX MASTER PLAN PHASE 1 PROJECT IN THE AMOUNT OF \$77,250.00 AND AUTHORIZE

THE ATTACHED BUDGET TRANSFER RESOLUTION TO FUND THIS PROJECT.
(GREENSHEET NO. 19-05-136) **ADOPTED RESOLUTION NO. 19-41**

J. REVIEW OF THE APRIL 2019 MONTHLY CAPITAL PROJECTS STATUS REPORT.
(GREENSHEET NO. 19-05-140)

K. APPROVE BUDGET RESOLUTION TO ESTABLISH A REVENUE BUDGET FOR THE MINNESOTA TWINS GRANT AND AN EXPENDITURE BUDGET FOR THE LITTLE LEAGUE FIELD REHABILITATION PROJECT. (GREENSHEET NO. 19-05-141)
ADOPTED RESOLUTION NO. 19-40

L. AUTHORIZE THE MAYOR TO EXECUTE AMENDMENTS TO THE AWARDED CONTRACT TO ALTA TO PROVIDE SUPPORT FOR THE DEVELOPMENT OF A BUILD (BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT) GRANT.
(GREENSHEET NO. 19-05-143)

• OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

9:15:29 AM Council Member Greg DeWitt thanked the Bonita Bay Group and everyone who worked on the baseball grant program.

VII. PROCLAMATIONS AND PRESENTATIONS: No items.

VIII. MAYOR AND COUNCIL MEMBER ITEMS: No items.

IX. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED):

A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS REPEALING AND REPLACING ORDINANCE 17-13 SETTING FORTH THE PARKS AND RECREATION FEE SCHEDULE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.
(GREENSHEET NO. 19-05-139)

9:16:01 AM City Attorney Derek Rooney read the title block into the record.

Council Member DeWitt motioned to approve; Council Member Laura Carr seconded.

No public comments were made.

The motion carried unanimously. **ADOPTED ORDINANCE NO. 19-04**

X. PUBLIC COMMENT:

9:17:53 AM Kathy McGrath furnished an update on the Special Event Committee's work on the Fourth of July event.

XI. CITY ATTORNEY'S ITEMS:

A. **ADDENDUM 2:** AN ORDINANCE REPEALING AND REPLACING BONITA SPRINGS CODE SECTIONS 4-2124 THROUGH 4-2132, TEMPORARY USES; PROVIDE FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS,

MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING
AND AN EFFECTIVE DATE. (GREENSHEET NO. 19-05-147)

9:19:20 am City Attorney Rooney addressed this item, as set out in the Greensheet. A first reading will be scheduled for June 5, 2019.

9:20:10 am John Dulmer, Community Development, further addressed.

XII. CITY MANAGER'S ITEMS:

A. **ADDENDUM 2:** UPDATE ON BONITA BEACH ROAD STUDY IMPLEMENTATION INTO THE LAND DEVELOPMENT CODE. (GREENSHEET NO. 19-05-148)

9:21:10 am John Dulmer, Community Development, provided an overview and history, explaining the City Council commissioned two studies for Bonita Beach Road – one with Toole Design, and the other with DPZ CoDesign. Toole Design looked at the roadway function itself and the multi-modal aspect, and DPZ was tasked with looking at land uses and designs for redevelopment and development along the sides of the road. Staff has started piecing together both studies into a Comprehensive Overlay District for Bonita Beach Road. He further explained.

9:25:36 am City Manager Hunter thanked Deputy Mayor O'Flinn, who provided guidance and helped with the pricing.

ADDITIONAL ITEMS:

City Manager Hunter reminded Council that DPZ will be holding a Workshop in two weeks, the day before City Council's meeting. They (DPZ) will also be here for office hours during the day, and then presenting at City Council's meeting on June 5, 2019, with an update on the Bamboo properties and incorporating our local properties that are designed as historic. Mayor Simmons asked that a reminder be sent to Council on DPZ, as he believes he scheduled time with them, but he's not sure. He asked that a reminder be sent to Council who want to schedule time with them.

Additionally, at Council's next meeting Tony Backhurst, Manager of Neighborhood Services, will be providing an update on our emergency management plan with Staff Attorney Carly Sanseverino. They have also invited some of our community partners to be here as well as we start off the storm season 2019.

XIII. MAYOR AND COUNCIL REPORTS:

9:26:59 am Council Member DeWitt, as liaison for the Special Events Committee, addressed the Fourth of July parade and events. He reminded everyone of the "Bring the Noise" parade. More information can be found at the Bonita Springs Fire Department website or local union's website if anyone wants to do a float, and for information.

9:27:32 am Council Member O'Flinn provided an update on the Seminole Gulf. Referring to the trail project, he explained it was placed on hold because CSX was in negotiations with Seminole Gulf to sell a part of the railroad to Seminole Gulf. Seminole Gulf was a leaseholder on that with a 30-year lease remaining. CSX still does have a remainder interest with respect to any deal that is worked out with respect to the Rails to Trails there. He also informed Council that he was unable to attend Monday's Zoning meeting to take part in a ride on a truck with others from Alico Road to Wiggins Pass. He feels the next step would be to think about an appraisal there (for railroad conversions), which he further addressed.

9:31:24 am In response to Council Member Forbes, Assistant City Manager Matt Feeney addressed the agreement with the SFWMD in relation to Spring Creek and Imperial Harbor, explaining that Spring

Creek was included in that agreement, and that the agreement was more connected to snagging and clearing and may include a minor provision for sediment removal if attributable to flooding or storm events.

Mayor Simmons next addressed a meeting he and Assistant City Manager Feeney attended with Congressman Rooney and Governor DeSantis. In response to Mayor Simmons, he explained that what he got from that meeting was that there are a lot of questions that remain unanswered that are currently being taken up for study and consideration by FGCU as well as folks from the Centers of Disease Control and Department of Health, to try to understand what the impacts are with these bacteria outbreaks. Mayor Simmons also addressed. Council Member Quaremba stated there have been complaints about communication of whatever information, or lack thereof, transmitted to people when questions are asked. She feels that we can ask our partners, i.e., Department of Health, EPA, that, that information somehow gets communicated. We can do that without them, as we are the ultimate communicators to our residents. That's where she would like to see progress.

XIV. APPROVAL OF MINUTES: 05/01/19

Council Member DeWitt motioned approval of the Minutes; Council Member Forbes seconded; and the motion carried unanimously.

XV. PUBLIC COMMENT:

9:37:43 AM John Paeno thanked City Council for all their support over the years. He also urged everyone to contact their state legislature on the water crisis.

9:39:22 am Ben Hershenson stated that it's impressive to see all the initiatives being undertaken by City Council.

XVI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:42 A.M.

Respectfully submitted,

Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL

Date: _____
AUTHENTICATED:

Peter Simmons, Mayor